AN EXPOSITION

OF THE

THREE ORDERS IN COUNCIL,

Of the 11*th November*, 1807,

ON THE

TRADE RESTRICTED, PERMITTED, AND REGULATED BY

The New System of Blockade,

AND ALSO OF

SIX OTHER ORDERS,

Dated 25*th November*, 1807.

Digested under four Classes, shewing,

1st. PLACES of illicit Trade.

2nd. SHIPS and ARTICLES of illicit Trade.

3d. EXCEPTIONS thereto, which may be deemed LEGAL TRADE, and

4th. REGULATIONS for carrying the Orders into execution.

Containing Abstracts of the Free Port Laws, with the Regulations of Customs and Excise, respecting the Warehousing of Goods agreeably to the said Orders, and concluding with a Table, exhibiting at one View a Summary Explanation of and Remarks upon the Whole.

By D. C. FLOWERDEW,

COMMERCIAL AND CUSTOM-HOUSE AGENT, BEER-LANE, TOWER-STREET.

Of whom the same may be had.

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INTRODUCTION.

As the Nine Orders of His Majesty in Council, dated 11th, and 25th of November, embrace so many Objects, there can be no Doubt that the Division thereof into certain Classes, was the best Mode by which an Elucidation thereof could be successfully attempted.

Considering this Work as an Exposition, compiled from various Acts of Parliament and Orders in Council, the Compiler readily admits that his Labours cannot have any other Claim to the Attention and Approbation of the Public, than that which may be expected from the Plan and Correctness of the Work; as to which he can pledge the most unequivocal Assurance that great Attention has been paid to render the same useful in every Particular.

INTRODUCTION.

The Compiler feels it incumbent on him to embrace the Opportunity which presents itself of acknowledging, that in Regard to legal *Information, he has been favored with the Opinion and Assistance of* professional *Gentlemen.*

D C. FLOWERDEW.

BEER-LANE, TOWER-STREET,
December, 1807.

AN

EXPOSITION, &c.



IN proceeding to the Consideration of this Subject, it will be necessary to state verbatim the three Orders which have been issued, bearing date the 11th November, 1807; together with the Directions transmitted to the several Officers of the Revenue in consequence thereof; they are as follows:

AT THE COURT AT THE QUEEN's PALACE, *the* 11*th of November*, 1807.

PRESENT,

The KING's Most Excellent Majesty in Council.

N. B. The Paragraphs are numbered, to which References are made in the following Pages.

1.—WHEREAS certain Orders, establishing an unprecedented System of Warfare against this Kingdom, and aimed especially at the Destruction of its Commerce and Resources, were, some Time since, issued by the Government of France, by which "The British Islands "were declared to be in a State of Blockade," thereby subjecting to Capture and Condemnation all Vessels with their Cargoes, which should continue to trade with His Majesty's Dominions.

 2.—And

2.—And whereas by the same Orders, "all Trading "in English Merchandize is prohibited, and every "Article of Merchandize belonging to England, or "coming from her Colonies, or of her Manufacture, "is declared lawful Prize:"

3.—And whereas the Nations in Alliance with France, and under her Controul, were required to give, and have given, and do give, Effect to such Orders:

4.—And whereas His Majesty's Order of the 7th of January last* has not answered the desired Purpose, either of compelling the Enemy to recal those Orders, or of inducing Neutral Nations to interpose with Effect, to obtain their Revocation, but, on the contrary, the same have been recently enforced with increased Rigour:

5.—And whereas His Majesty, under these Circumstances, finds Himself compelled to take further Measures for asserting and vindicating His just Rights, and for supporting that Maritime Power which the Exertions and Valour of His People have, under the Blessing of Providence, enabled Him to establish and maintain; and the Maintenance of which is not more essential to the Safety and Prosperity of His Majesty's Dominions, than it is to the Protection of such States as still retain their Independence, and to the general Intercourse and Happiness of Mankind:

6.—His

* By this Order it is directed, "That no Vessel shall be permitted to "Trade from one Port to another both which Ports shall belong to, or be in "the Possession of France, or her Allies, or so far under their Controul as "that British Vessels may not freely Trade thereat;" and all Vessels trading contrary thereto, with the Cargo, shall be condemned as Prize.

6.—His Majesty is therefore pleased, by and with the Advice of His Privy Council, to order, and it is hereby ordered, that all the Ports and Places of France and her Allies, or of any other Country at War with His Majesty, and all other Ports or Places in Europe, from which, although not at War with His Majesty, the British Flag is excluded, and all Ports or Places in the Colonies belonging to His Majesty's Enemies, shall, from henceforth, be subject to the same Restrictions in point of Trade and Navigation, with the Exceptions hereinafter-mentioned, as if the same were actually blockaded by His Majesty's Naval Forces, in the most strict and rigorous Manner:—And it is hereby further ordered, and declared, that all Trade in Articles which are of the Produce or Manufacture of the said Countries or Colonies, shall be deemed and considered to be unlawful: and that every Vessel trading from or to the said Countries or Colonies, together with all Goods and Merchandize on board, and all Articles of the Produce or Manufacture of the said Countries or Colonies, shall be captured, and condemned as Prize to the Captors.

7.—But although His Majesty would be fully justified, by the Circumstances and Considerations above recited, in establishing such System of Restrictions with respect to all the Countries and Colonies of His Enemies, without Exception or Qualification; yet His Majesty, being nevertheless desirous not to subject Neutrals to any greater Inconvenience than is absolutely inseparable from the carrying into effect His Majesty's just Determination to counteract the Designs of His Enemies, and to retort upon His Enemies them-

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selves the Consequences of their own Violence and Injustice; and being yet willing to hope that it may be possible (consistently with that Object) still to allow to Neutrals the Opportunity of furnishing themselves with Colonial Produce for their own Consumption and Supply; and even to leave open, for the present, such Trade with His Majesty's Enemies as shall be carried on directly with the Ports of His Majesty's Dominions, or of His Allies, in the Manner hereinafter mentioned:

8.—His Majesty is therefore pleased further to order, and it is hereby ordered, That nothing herein contained shall extend to subject to Capture or Condemnation any Vessel, or the Cargo of any Vessel, belonging to any Country not declared by this Order, to be subjected to the Restrictions incident to a State of Blockade, which shall have cleared out with such Cargo from some Port or Place of the Country to which she belongs, either in Europe or America, or from some Free Port in His Majesty's Colonies, under Circumstances in which such Trade from such Free Port is permitted, direct to some Port or Place in the Colonies of His Majesty's Enemies, or from those Colonies direct to the Country to which such Vessel belongs, or to some Free Port in His Majesty's Colonies, in such Cases, and with such Articles, as it may be lawful to import into such Free Port;—Nor to any Vessel, or the Cargo of any Vessel, belonging to any Country not at War with His Majesty, which shall have cleared out from some Port or Place in this Kingdom, or from Gibraltar or Malta, under such Regulations as His Majesty may think fit to prescribe, or from any Port belonging to His Majesty's Allies, and shall be proceeding

ceeding direct to the Port specified in her Clearance;—Nor to any Vessel, or the Cargo of any Vessel, belonging to any Country not at War with His Majesty, which shall be coming from any Port or Place in Europe which is declared by this Order to be subject to the Restrictions incident to a State of Blockade, destined to some Port or Place in Europe belonging to His Majesty, and which shall be on her Voyage direct thereto; but these Exceptions are not to be understood as exempting from Capture or Confiscation any Vessel or Goods which shall be liable thereto in respect of having entered or departed from any Port or Place actually blockaded by His Majesty's Squadrons or Ships of War, or for being Enemies' Property, or for any other Cause than the Contravention of this present Order.

9.—And the Commanders of His Majesty's Ships of War and Privateers, and other Vessels acting under His Majesty's Commission, shall be, and are hereby, instructed to warn every Vessel which shall have commenced her Voyage prior to any Notice of this Order, and shall be destined to any Port of France, or of her Allies, or of any other Country at War with His Majesty, or to any Port or Place from which the British Flag as aforesaid is excluded, or to any Colony belonging to His Majesty's Enemies, and which shall not have cleared out as is hereinbefore allowed, to discontinue her Voyage, and proceed to some Port or Place in this Kingdom, or to Gibraltar or Malta; and any Vessel which, after having been so warned, or after a reasonable Time shall have been afforded for the Arrival of Information of this His Majesty's Order at any

any Port or Place from which she sailed, or which after having Notice of this Order, shall be found in the Prosecution of any Voyage contrary to the Restrictions contained in this Order, shall be captured, and, together with her Cargo, condemned as lawful Prize to the Captors.

10.—And whereas Countries, not engaged in the War, have acquiesced in the Orders of France, prohibiting all Trade in any Articles the Produce or Manufacture of His Majesty's Dominions; and the Merchants of those Countries have given countenance and effect to those Prohibitions, by accepting from Persons styling themselves Commercial Agents of the Enemy, resident at Neutral Ports, certain Documents, termed "Certificates of Origin," being Certificates obtained at the Ports of Shipment, declaring that the Articles of the Cargo are not of the Produce or Manufacture of His Majesty's Dominions, or to that Effect:

11.—And whereas this Expedient has been directed by France, and submitted to by such Merchants, as Part of the new System of Warfare directed against the Trade of this Kingdom, and as the most effectual Instrument of accomplishing the same, and it is therefore essentially necessary to resist it:

12.—His Majesty is therefore pleased, by and with the Advice of His Privy Council, to order, and it is hereby ordered, that if any Vessel, after reasonable Time shall have been afforded for receiving Notice of this His Majesty's Order at the Port or Place from which such Vessel shall have cleared out, shall be found carrying any such Certificate or Document as aforesaid,

aforesaid, or any Document referring to, or authenticating the same, such Vessel shall be adjudged lawful Prize to the Captor, together with the Goods laden therein, belonging to the Person or Persons by whom, or on whose Behalf, any such Document was put on board.

13.—And the Right Honourable the Lords Commissioners of His Majesty's Treasury, His Majesty's Principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judges of the High Court of Admiralty and Courts of Vice-Admiralty, are to take the necessary Measures herein, as to them shall respectively appertain.

W. FAWKENER.

AT THE COURT AT THE QUEEN's PALACE,
The 11*th of November,* 1807,
PRESENT,
The KING's Most Excellent Majesty in Council.

14.—WHEREAS Articles of the Growth and Manufacture of Foreign Countries cannot by Law be imported into this Country, except in British Ships, or in Ships belonging to the Countries of which such Articles are the Growth and Manufacture, without an Order in Council specially authorising the same:

15.—His Majesty, taking into Consideration the Order of this Day's Date, respecting the Trade to be carried on to and from the Ports of the Enemy, and deeming it expedient that any Vessel belonging to any Country in Alliance, or at Amity with His Majesty,

jesty, may be permitted to import into this Country, Articles of the Produce or Manufacture of Countries at War with His Majesty:

16.—His Majesty, by and with the Advice of His Privy Council is therefore pleased to order, and it is hereby ordered, that all Goods, Wares, or Merchandizes, specified and included in the Schedule of an Act, passed in the Forty-third Year of His present Majesty's Reign, intituled "An Act to repeal the Duties of Customs payable in Great Britain, and to grant other Duties in lieu thereof," may be imported from any Port or Place belonging to any State not at Amity with His Majesty, in Ships belonging to any State at Amity with His Majesty, subject to the Payment of such Duties, and liable to such Drawbacks as are now established by Law upon the Importation of the said Goods, Wares, or Merchandize, in Ships navigated according to Law; and with respect to such of the said Goods, Wares, or Merchandize, as are authorized to be warehoused under the Provisions of an Act, passed in the Forty-third Year of His present Majesty's Reign, intituled "An Act for permitting "certain Goods imported into Great Britain, to be secured in Warehouses without Payment "of Duty," subject to all the regulations of the said last mentioned Act; and with respect to all Articles which are prohibited by Law from being imported into this Country it is ordered that the same shall be reported for Exportation to any Country in Amity or Alliance with His Majesty.

17.—And His Majesty is further pleased, by and with the Advice of His Privy Council, to order, and

it

it is hereby ordered, That all Vessels which shall arrive at any Port of the United Kingdom, or at Gibraltar or Málta, in consequence of having been warned pursuant to the aforesaid Order, or in consequence of receiving Information in any other Manner, of the said Order subsequent to their having taken on board any Part of their Cargoes, whether previous or subsequent to their sailing, shall be permitted to report their Cargoes for Exportation, and shall be allowed to proceed upon their Voyages to their original Ports of Destination, (if not unlawful before the issuing of the said Order,) or to any Port at Amity with His Majesty, upon receiving a Certificate from the Collector or Comptroller of the Customs at the Port at which they shall so enter, (which Certificate the said Collectors and Comptrollers of the Customs are hereby authorized and required to give,) setting forth that such Vessels came into such Port in consequence of being so warned, or of receiving such Information as aforesaid; and that they were permitted to sail from such Port under the Regulations which His Majesty has been pleased to establish in respect to such Vessels. But in case any Vessel so arriving shall prefer to import her Cargo, then such Vessel shall be allowed to enter and import the same, upon such Terms and Conditions as the said Cargo might have been imported upon, according to Law, in case the said Vessel had sailed after having received Notice of the said Order, and in conformity thereto.

18.—And it is further ordered, that all Vessels which shall arrive at any Port of the United Kingdom, or at Gibraltar or Malta, in Conformity and Obedience

Obedience to the said Order, shall be allowed, in respect to all Articles which may be on board the same, except Sugar, Coffee, Wine, Brandy, Snuff, and Tobacco, to clear out to any Port whatever, to be specified in such Clearance; and, with respect to the last-mentioned Articles, to export the same to such Ports, and under such Conditions and Regulations only, as His Majesty, by any Licence to be granted for that Purpose, may direct.

19.—And the Right Honourable the Lords Commissioners of His Majesty's Treasury, His Majesty's Principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judges of the High Court of Admiralty and Courts of Vice-Admiralty, are to take the necessary Measures herein as to them may respectively appertain.

W. FAWKENER.

AT THE COURT AT THE QUEEN'S PALACE,
The 11th of November, 1807.

PRESENT,
The KING's Most Excellent Majesty in Council.

20.—WHEREAS the Sale of Ships by a Belligerent to a Neutral is considered by France to be illegal:

21.—And whereas a great Part of the Shipping of France and her Allies has been protected from Capture during the present Hostilities, by Transfers, or pretended Transfers, to Neutrals:

22.—And

22.—And whereas it is fully justifiable to adopt the same Rule, in this Respect, towards the Enemy, which is applied by the Enemy to this Country:

23.—His Majesty is pleased, by and with the Advice of His Privy Council, to order, and it is hereby ordered, That in future the Sale to a Neutral of any Vessel belonging to His Majesty's Enemies, shall not be deemed to be legal, nor in any Manner to transfer the Property, nor to alter the Character of such Vessel: And all Vessels now belonging, or which shall hereafter belong to any Enemy of His Majesty's notwithstanding any Sale, or pretended Sale to a Neutral, after a reasonable Time shall have elapsed for receiving Information of this His Majesty's Order at the Place where such Sale, or pretended Sale, was effected, shall be captured and brought in, and shall be adjudged as lawful Prize to the Captors.

24.—And the Right Honourable the Lords Commissioners of His Majesty's Treasury, His Majesty's Principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judges of the High Court of Admiralty and Courts of Vice-Admiralty, are to take the necessary Measures herein as to them shall respectively appertain.

W. FAWKENER.

CUSTOM-HOUSE, LONDON,
20th November, 1807.

25.—LET the Collector and Comptroller of take Care that the Directions contained in the Three Orders in

in Council (of which the aforegoing are Copies) be duly obeyed by themselves and the Officers under their Survey, so far as they are respectively concerned; and in yielding Obedience to those Directions, they are to govern themselves by the following Construction as to certain Points therein contained, namely,—

26.—That all Vessels already *here at the Time* of issuing the Order, or arriving here in the Course of their Original Voyage, *commenced before Notice* of the Order, be permitted to clear out in the same Manner, and under the same Circumstances as if the Order had *not been made*.

27.—That all Vessels arriving here *in Obedience to* the Order, either in Consequence of Warning, or of Knowledge of it acquired in any Manner whatever, subsequent to their beginning to lade for their Voyage, be permitted to clear out to the Port of their Original Destination (not being in a State of actual Blockade) or to any friendly Port, or to Import (at their Choice) as they would have been permitted to Import before the Order.

28.—That *Certificates* be given, in the last Cases, specifying the Port at which such Certificate was given, and the Port to which the Vessel is destined; with such Description of the Size, Built, &c. &c. of the Ship, and such Description of the Cargo as may be sufficient to identify them, and to guard against any improper Transfer of the Document, or of their Application to any future Voyage, as well as to protect them from further Molestation or Interruption during the Continuance of their Voyage.

29.—That

29.—That the Exceptions respecting the Cargo, as to Sugar, Coffee, Wine, Brandy, Snuff, and Tobacco, do not apply to Ship *already here*, or *arriving upon Warning*, or upon any *Voyage commenced before* Notice of the Order. And that *Vessels in Ballast* are to have the Benefit of the Order in Council.

30.—And you will also receive herewith a Form of the Certificate directed by the Second Order in Council, to be granted by you to the Masters of Neutral Vessels clearing out under the Circumstances therein mentioned, as follows:

FORM of a Certificate for Vessels which having commenced their Voyage before Notice of His Majesty's Orders in Council, of the 11th November, 1807, and having arrived either in the Course of their original Voyage at some Port in Great Britain, or in Consequence of receiving Notice by Warning or otherwise of the said Orders, at the Port of *(the Port at which the Certificate is granted)* are desirous of proceeding *(as the Case may be)* either to the Port of their original Destination (being a Port under the Restrictions of the said Orders, and not for any other reason an unlawful Port) or to any Port at amity with His Majesty, not being under such Restrictions.

These are to certify, that the Ship or Vessel called the wherecof is Master, burthen Tons, mounted with Guns *(here give a particular Description of the Vessel, her Form, &c.)* bound from to has arrived at the Port of *(the*

(the Port at which the Certificate is granted) and is desirous to proceed on her Voyage to her original Port of Destination (being a Port under the Restrictions of His Majesty's Orders in Council of the 11th November, 1807, but a lawful Port under the Circumstances) or *(as the Case may be)* to proceed to a Port at amity with His Majesty, not being under such Restrictions.

These are pursuant to His Majesty's said Orders to authorize and permit the above-named Vessel to proceed with her Cargo accordingly, to the said Port of

(Signed) *A. B.* Collector. (L. S.)
C. D. Comptroller. (L. S.)

Custom-House,
Day of

For the better Elucidation of the aforegoing Orders, the Consideration thereof will be divided into *four* distinct Classes.

1st. PLACES of illicit Trade.

2nd. SHIPS and ARTICLES of illicit Trade.

3rd. EXCEPTIONS thereto which may be deemed LEGAL TRADE.

4th. REGULATIONS for carrying the various Objects of the Orders into Effect.

CLASS THE FIRST.

As to *Places* of illegal Trade it is directed as in the two following Articles.

Article

Article 1.—That Ships may not trade *from* or *to* any of the Ports and Places of *France* and *her Allies*, nor any other Country *at War* with His Majesty, nor any OTHER Port or Place in EUROPE from which, though not so at War, *the British Flag is excluded.*

Article 2.—Nor any Port or Place in the COLONIES belonging to *His Majesty's Enemies*;

ALL which Ports and Places are to be subject to the like Restrictions in Point of Trade and Navigation as if the same were ACTUALLY BLOCKADED.—*Paragraph* 6.

No Explanation appears to be necessary upon this Class, except as to Article 1, on which it is to be observed that the Blockade respecting France and her Allies, and other Countries at War, and those which exclude the British Flag, is confined to EUROPE ONLY.

CLASS THE SECOND.

As to *Ships and Articles* of illicit Trade it is directed as in the *four* following Articles.

Article 1.—All Trade in Articles which are the Produce or Manufacture of the following Countries or Colonies (viz. of France and her Allies, or any other Country at War with His Majesty or any *other* Place in *Europe*, from which, though not so at war, the British Flag is excluded, or any Colonies belonging to His Majesty's Enemies,) shall be deemed unlawful, and every *Vessel* trading *from* or *to* the said Countries or Colonies with ALL Goods and Merchandize on Board, and all *Articles of the Produce or Manufacture of the said Countries or Colonies* shall be captured and condemned.—*Paragraph* 6.

Art. 2.

Art. 2.—Any Vessel after having been *warned* to proceed to *this Kingdom* (See Class 4. Art. 3, as to IRELAND), *Gibraltar or Malta*, or after having Notice of the Order, or after reasonable Time for receiving *Information* of the Order, at the Port, from which she sailed; which shall be found in the *Prosecution of any Voyage contrary to the present Order*, shall, with *her Cargo*, be captured and condemned.—*Paragraph* 9.

See the explanatory Directions that *Vessels already here at the Time of issuing the Order*, or *arriving* in the course of their ORIGINAL VOYAGE commenced *before Notice of the Order*, be permitted *to clear out* in the same Manner and under the same Circumstances *as if the Order had not been made*.—*Paragraph* 26.

Art. 3.—Any Vessel after reasonable Time for receiving Notice of the Order, at the Port *of Clearance*, which shall be found carrying certain Documents termed CERTIFICATES OF ORIGIN, being Certificates obtained at the Ports of Shipment, declaring the Articles of the Cargo are not the Produce or Manufacture of His Majesty's Dominions, or to that Effect —or carrying any Document referring to or authenticating the same, shall be adjudged lawful Prize, together with the Goods laden therein BELONGING to the Person or Persons *by whom*, or in *whose Behalf* such Document was put on board.—*Parags.* 10, 11, 12.

Art. 4.—All Vessels now belonging, or which shall belong to *any Enemy* of His Majesty, notwithstanding any Sale, or pretended Sale to a NEUTRAL, after reasonable Time for receiving Information of the Order, at the *Place* where the Sale was effected, shall be

be captured and adjudged lawful Prize.—*Paragraphs* 20, 21, 22, 23.

These Articles appear to be sufficiently clear and explicit; and as to the *Times* for receiving Information of these Orders, a further Order, dated 25th November, has been issued, declaring that such Information shall be held to have been received at the Places hereafter mentioned, and at the Periods assigned to them, viz.

Ports and Places within the Baltic—Dec. 21, 1807.

Other Ports and Places to the Northward of Amsterdam—Dec. 11, 1807.

From Amsterdam to Ushant—Dec. 4, 1807

From Ushant to Cape Finisterre—Dec. 8, 1807.

From Cape Finisterre to Gibraltar, inclusive—Dec. 13, 1807.

Madeira—Dec. 13, 1807.

Ports and Places within the Streights of Gibraltar, to Sicily and Malta, and the West Coast of Italy, inclusive—Jan. 1, 1808.

All other Ports and Places in the Mediterranean beyond Sicily and Malta—Jan. 20, 1808.

Ports and Places beyond the Dardanels—Feb. 1, 1808.

Any Part of the North and Western Coast of Africa, or the Islands adjacent, except Madeira—Jan. 11, 1808.

The United States, and British Possessions in North America and the West Indies—Jan. 20, 1808.

Cape of Good Hope, and East Coast of South America—March 1, 1808.

India—May 1, 1808.

China, and the Coast of South America—June 1, 1808.

And every vessel sailing on or after those days, from

those Places, shall be deemed and taken to have received notice of the aforesaid order: and if any Vessel shall sail within twenty days after the periods above assigned respectively, from any of the said Places, in contravention of the Order of the eleventh of November, inst. and shall be detained as Prize on account thereof, or shall arrive at any Port in this Kingdom, destined to some Port or Place within the Restriction of the said Order, and Proof shall be made to the Satisfaction of the Court of Admiralty in which such Vessel shall be proceeded against, in case the same shall be brought in as Prize, that the Loading of the said Vessel had commenced before the said Periods, and before Information of the said Order had actually been received at the Port of Shipment, the said Vessel, together with the Goods so laden, shall be restored to the Owner or Owners thereof, and shall be permitted to proceed on her Voyage in such manner as if such Vessel had sailed before the Day specified as aforesaid; and no Proof shall be admitted, or be gone into, for the Purpose of shewing that Information of the Order of the eleventh of November instant had not been received at the said Places respectively, at the several periods before assigned.

CLASS THE THIRD.

As to the *Exceptions* to the aforegoing, which may be deemed *legal Trade*, it is directed as in the *Nine* following Articles.

Article 1.—The Order shall not subject to Capture or Condemnation, any Vessel or the Cargo of any Vessel belonging to *any Country not declared by this Order*

Order to be liable to the Restrictions of Blockade, (see Class 1st,) which Vessel shall have cleared out with such Cargo *from* some Port or Place of the Country to which *she belongs*, either in *Europe or America*, or *from* some *free Port in His Majesty's Colonies*, under CIRCUMSTANCES in which such Trade from such free Port *is permitted direct to some Port or Place in the Colonies of His Majesty's Enemies*, or *from those Colonies direct to the Country to which such Vessel belongs*, or to some *free Port in His Majesty's Colonies*, in SUCH CASES, and with SUCH ARTICLES, as it may be lawful to import *into* such free Port.—*Paragraph* 8.

Upon this, regarding the Trade of the *free Ports*, the same is regulated as follows:—And here it may be necessary to observe, that *these* Ports are open (as will be seen) to foreign *European* States, but not to the *Americans*. The Trade BETWEEN the British Colonies or Territories, and the United States, is regulated by what are termed, in contradistinction to the *free Port* Acts, the *Intercourse* Acts, viz. 28 Geo. 3. cap. 6, and 39.—29 Geo. 3, cap. 38.—33 Geo. 3, cap. 50, &c.

These *Intercourse* Acts confine that Trade almost *generally* to BRITISH Ships; but, by 28 Geo. 3, cap. 6, *American* Ships in *Ballast* may enter *Turks Island*, to be laden with SALT under the Regulations of that Act; and *such* Ships in *Ballast* may enter *Nassau, Exuma*, and *Crooked Island*, for the same purpose, under similar Regulations, by 44 Geo. 3, c. 107. which last Act is by 47 Geo. 3, c. 33, to remain in force till 5th March, 1810.

FREE

FREE PORTS, GOODS, AND REGULATIONS.

The Articles herein mentioned, the Production of any Colonies of America, may be imported in certain Foreign Vessels to certain Ports in the West Indies.

Wool, Cotton Wool, Indigo, Cochineal, Drugs of all Sorts Cocoa, Log Wood, Fustick, and all Sorts of Wood for Dyer's Use, Hides, Skins, and Tallow, Beaver, and all Sorts of Furs, Tortoise Shell, Hard Wood, or Mill Timber, Mahogany, and all other Woods for Cabinet Ware, Horses, Asses, Mules, and Cattle, being the Growth or Production of any of the Colonies or Plantations in *America*, or of any Country on the Continent of *America*, belonging to or under the Dominion of any Foreign *European* Sovereign or State, and all Coin and Bullion, Diamonds and precious Stones may be imported from any of the said Countries into *Kingston*, *Savannah La Mar*, *Montego Bay*, *Santa Lucea*, *Antonio*, and *Saint Ann* in *Jamaica*, *Saint George* in *Grenada*, *Rousseau* in *Dominica*, *Saint John's* in *Antigua*, *San Josef* in *Trinadad*. (By 44 Geo. 3, Sess. 2, cap. 34. such Goods as are allowed to be imported into, and exported from *San Josef*, may be imported into and exported from *Amsterdam* in *Curacoa*, under similar Regulations,) *Scarborough* in *Tobago*, *Road Harbour* in *Tortola*, *Nassau* in *New Providence* one of the *Bahama* Islands, *Pitt's Town* in *Portland Harbour* in *Crooked Island*, another of the *Bahama* Islands, *Kingston* in *Saint Vincent*, and the principal Port in *Bermuda*, in any Foreign Sloop, Schooner, or other Vessel whatever, not having more than one Deck, and being owned and navigated by Persons inhabiting

inhabiting any of the said Colonies or Plantations in *America*, or Countries on the Continent of *America*, belonging to or under the Dominion of any Foreign *European* Sovereign or State.—45 Geo. 3, c. 57, Sec. 1.

Tobacco of the West Indies, &c. may be imported into the Ports abovementioned, and exported from thence to this Kingdom.

Tobacco, being the Growth or Production of any Island in the *West Indies*, or of any Country on the Continent of *America*, belonging to or under the Dominion of any Foreign *European* Sovereign or State, may be imported from any of the said Islands or Countries into any of the said Ports before enumerated, in the like Foreign Ships and Vessels, and be again exported from thence to any Part of the United Kingdom, under the same Regulations and Restrictions as are in this Act mentioned with regard to the Goods and Merchandize before enumerated.—Sec. 2.

Duties payable on such Tobacco.

All such Tobacco so imported into any of the said Ports shall, when imported into any Part of the United Kingdom from any of the said Ports, pay the same Duties of Customs and Excise as Tobacco the Growth or Production of any of His Majesty's Plantations in the *West Indies*, or of the Territories of the United States of *America*, and be subject to the same Regulations and Restrictions. Sec. 3.

Sugar and Coffee may be imported in Foreign Ships to Nassau, &c.

It shall be lawful to import into *Nassau* in *New Providence*, and into *Pitt's Town* in *Portland Harbour* in *Crooked Island*, and into such other Port or Ports in the *Bahama* Islands, and into the principal Port in the Island of *Bermuda*, and into such Port or Ports in the *Caicos*, as shall be approved by His Majesty in Council,

Sugar

Sugar and Coffee, the Produce of any Foreign Country or Plantation, in such Foreign Ships or Vessels, and subject to such Regulations and Restrictions as are prescribed in this Act with respect to the Goods and Merchandize before enumerated.—Sec. 4.

and may be imported into and exported from such Ports without Payment of Duty;

Sugar and Coffee which shall be imported into *Nassau* in *New Providence*, or *Pitt's Town* in *Crooked Island*, or into such Port or Ports in the *Bahama* Islands, or into the principal Port in *Bermuda*, or into any such Port or Ports in the *Caicos*, as have been or may hereafter be approved by His Majesty in Council, may be imported into and again exported from any of the said Ports, without Payment of any Duties of Customs whatsoever.—Sec. 5.

but on Importation into this Kingdom shall pay the Duties on Sugar and Coffee not of the British Plantations.

On the Importation of any Sugar or Coffee into any Part of the United Kingdom from *Nassau* in *New Providence*, or *Pitt's Town* in *Crooked Island*, or such other Port or Ports in the *Bahama* Islands, or *Bermuda*, or any such Ports in the *Caicos*, such Sugar or Coffee shall be deemed to be not of the *British* Plantations, and be liable to Duty of Customs and Excise as such, and may be warehoused and shall be subject to the Regulations of Acts of Parliament in force at the Time of Importation, so far as they relate to Sugar or Coffee not of the *British* Plantations. —Sec. 6.

No Goods except such as are herein enumerated shall be imported in Foreign Ships from America to the Ports before mentioned.

No Goods or Merchandize, *except* such as are before enumerated, shall be imported in any Foreign Ship, Sloop, Schooner, or Vessel, from any

any of the Colonies or Plantations in *America*, or any Countries on the Continent of *America* belonging to or under the Dominion of any Foreign *European* Sovereign or State, into any of the before mentioned Ports, upon Pain of forfeiting the same, with the Ship, Sloop, Schooner, or Vessel in which the same shall be imported, and the Guns, Tackle, Apparel, and Furniture; and the same shall be seized by any Officer of His Majesty's Customs or Navy authorized to make Seizures.—Sec. 7.

Rum and Negroes may be exported from the said Ports to America, &c. in certain Vessels; and also all Goods legally imported, except Masts, &c. from the British Colonies.

It shall be lawful to export from any of the said Ports to any of the Colonies or Plantations in *America*, or any Countries on the Continent of *America*, belonging to or under the Dominion of any Foreign *European* Sovereign or State, in any Sloop, Schooner, or other Vessel, not having more than One Deck, and being owned and navigated by Persons inhabiting any such Colony, Plantation, or Country, Rum of the Produce of any *British* Island, and also Negroes which shall have been brought into the said Islands respectively in *British*-built Ships, owned, navigated, and registered according to Law; and all Goods, or Merchandize, which shall have been legally imported into the said Islands, except Masts, Yards, or Bowsprits, Pitch, Tar, and Turpentine, and except such Iron as shall have been brought from the *British* Colonies or Plantations in *America*. —Sec. 8.

Goods of the Manufacture of Europe may be imported from the said Port in British Ves-

It shall be lawful to export in any *British* Ship or Vessel, owned and navigated according to Law, from any of the said Islands, to any *British* Colony

sels to any British Colony in America, &c.

Colony or Plantation in *America* or the *West Indies*, any Goods of the Manufacture of *Europe*; and also any Goods which shall have been legally imported into any of the said Islands, from any of the Colonies or Plantations in *America*, or any Country on the Continent of *America* belonging to or under the Dominion of any Foreign *European* Sovereign or State.—Sec. 9.

Officers to be satisfied as to the Legality of the Importation before Goods are shipped for Exportation.

If any Doubts shall arise whether any such Goods, intended to be so exported, shall have been legally imported into the said Islands, the Legality of such Importation shall be made appear to the Satisfaction of the Collector and Comptroller, or other principal Officer of the Customs at the Port of Exportation, before such Goods shall be suffered to be shipped for Exportation.—Sec. 10.

Wool, &c. of the Production of America, allowed to be exported from the said Ports to this Kingdom, under the Regulations provided by

Wool, Cotton Wool, Indigo, Cochineal, Drugs of all Sorts, Cocoa, Log Wood, Fustick, and all Sorts of Wood for Dyers Use, Hides, Skins, and Tallow, Beaver and all Sorts of Furs, Tortoise Shell, Mahogany, and all other Woods for Cabinet Ware, of the Growth or Production of any of the Colonies or Plantations in *America*, or Countries on the Continent of *America* belonging to or under the Dominion of any Foreign *European* Sovereign or State, shall be allowed to be exported from any of the said Islands, to any Part of the United Kingdom of *Great Britain* and *Ireland*, under the Regulations, Restrictions, Securities, &c. of the Twelfth of *Charles* the Second,

12 Car.II. c. 18.

Second, *for encouraging and encreasing of Shipping and Navigation*; and the Twenty-second and Twenty-third of *Charles* the Second, *to prevent the planting of Tobacco in* England, *and for regulating the Plantation Trade*; and the Twentieth Year of His present Majesty's Reign, *to allow the Trade between* Ireland *and the* British *Colonies and Plantations in* America *and the* West Indies, *and the* British *Settlements on the Coast of* Africa, *to be carried on in like Manner as it is now carried on between* Great Britain *and the said Colonies and Settlements.*—Sec. 11.

22 & 23 Car. II. c. 26.

20 Geo. III. c. 10.

No Goods of the East Indies, &c. shall be exported from the said Ports to any British Colony in America, &c. on Forfeiture thereof.

No Goods of the Growth, Production, or Manufacture of the *East Indies*, or other Places beyond the *Cape of Good Hope*, shall be exported from any of the Ports enumerated in this Act, to any other *British* Colony or Plantation in *America* or the *West Indies*, upon Pain of forfeiting such Goods, with the Ship or Vessel in which the same shall be so exported, and the Guns, Tackle, Apparel, and Furniture.—Sec. 12.

Foreign Ships arriving with Goods the Production of the East Indies, &c. shall be forfeited.

If any Foreign Ship or Vessel as aforesaid, arriving at or in any of the aforesaid Ports, shall have on board any Goods the Growth, Production, or Manufacture of the *East Indies*, or other Places beyond the *Cape of Good Hope*, such Goods shall be forfeited, together with the Ship or Vessel in which the same shall be brought, and all her Guns, Ammunition, Tackle, and Apparel, whether such Goods shall *be intended to be landed* or not, or whether *Bulk shall have been broken or not.*—Sec. 13.

No

No Duty of Gunpowder, or Fee, shall be taken by any Officer for the Entry or Clearance of any Foreign Ship.

No Duty of Gunpowder, nor any Fee or Reward shall be demanded or received by any Officer in the said Islands for any Entry, Cocket, Clearance, or Passport, for any Foreign Ship or Vessel, or for any Goods imported into or exported from the said Islands in such Foreign Ships or Vessels, under the like Penalties as are inflicted upon Officers exacting or receiving greater Fees than are allowed by Law.—Sec. 14.

As to the Importation and Exportation of Goods into and from Road Harbour.

By the 46th Geo. III. Cap. 72, His Majesty was authorized to permit the Importation and Exportation of certain Goods into and from *Road Harbour* in the Island of *Tortola*, whereupon the following Order in Council has been issued, dated the 8th October, 1806. His Majesty is pleased, by and with the Advice of His Privy Council to order, that from the Date hereof, and 'till further Order, it shall be lawful to import into the Port of *Road-Harbour* in the Island of *Tortola*, one of the *Virgin Islands*, and to export from thence into this Kingdom, all such Articles, Goods and Commodities, as are permitted by the Act 45 G. III. c. 57. to be imported into the said Island of *Nassau*, and to be exported from thence into this Kingdom, in the same Manner, on the same Duties and Drawbacks, and subject to the same Regulations, as are provided in the said Act respecting Importation into and Exportation from the Port of *Nassau*, and further subject to the

Regulations,

Regulations, hereinafter mentioned, that is to say, That before any Sugar or Coffee, the Produce of *Tortola* and its Dependencies, shall be permitted to be shipped or laden on board any Ship or Vessel, each and every Package shall be stamped, or marked by the proper Officer of the Customs in Roman Letters of not less than Two Inches in length,* with the words *British Plantation*: Provided that no such Sugar or Coffee the Produce of *Tortola* and its Dependencies as aforesaid, shall be so stamped or marked, except on Application in Writing from the Proprietor of the Plantation on which such Sugar or Coffee was actually produced, or his Agent or Manager, specifying the Quantity of such Sugar or Coffee, and the Number and Weight of the Packages containing the same respectively, the Name or Description of the Plantation where the same, and the Year in which the same actually grew, and addressed to the Collector or other Principal Officer of His Majesty's Customs, and such Collector or other Principal Officer shall cause the said Packages to be duly weighed and examined, and if the same shall be found to correspond with such Application, and the Sugar or Coffee contained therein shall be proved on the Oath of the Party or otherwise, to the Satisfaction of such Collector, or other Principal Officer to be bonâ fide the Growth or Produce of the Plantation mentioned or described in such Application, he shall cause the same to be so stamped, or marked in the Order in which such Applications

As to the Importation and Exportation of Goods into and from Road Harbour.

shall

shall have been made, and not otherwise; Provided also that in case Application shall be so made in any one Year, ending the 31st of December, for stamping or marking a greater Quantity of Sugar than 5,880,000 lbs. that Quantity, and *no more* shall be so stamped or marked, and the Remainder shall be stamped or marked in the next Year, in the Order in which Application shall have been made for the same successively, unless the Proprietor, &c. shall be willing that such Sugar or Coffee shall be stamped or marked *as Foreign*, in Manner hereafter mentioned, and exported as such from the said Island: and that all Sugar and Coffee *not* being the Produce of the British Plantations or Territories, shall upon Importation into the Port of *Road Harbour*, be laid on land and examined, and shall be deposited in safe and secure Warehouses, under the Joint Locks of His Majesty, and the Owner or Proprietor of such Sugar and Coffee; and the same shall not afterwards be shipped, or laden on board any Ship or Vessel, unless directly from such Warehouses (upon due Entry thereof being first made) under the Care and Inspection of the proper Officer of the Customs; and before any such Sugar or Coffee shall be permitted or suffered to be shipped or laden on board any Ship or Vessel, each and every Package shall be stamped or marked by the proper Officer of the Customs, in Roman Letters of not less than Two Inches in Length, with the word, "Foreign," and shall be also numbered progressively. And His

Majesty

Majesty is further pleased to order, that the Importation into the Port of *Road Harbour*, and the Exportation from thence of all Sugar whatsoever, shall be permitted without Payment of any Duty of Customs, under and subject to the Regulations and Restrictions before mentioned: and further, that all Sugar imported into the United Kingdom of *Great Britain* and *Ireland*, from the said Island of *Tortola*, shall be deemed, and taken to be *Foreign* Sugar, and be imported into the United Kingdom as such, and subject to the Regulations, and Restrictions relating thereto, except such Sugar as shall actually be of the Growth and Produce of the *British Virgin Islands*, and exported as such, under the Certificate of the Collector and Comptroller of the Customs of the said Island, in Manner and Form hereunto annexed, which Certificate shall not be given in any one Year for any greater Quantity than Five Million, Eight Hundred and Eighty Thousand Pounds Weight.

FORM OF CERTIFICATE.

ISLAND OF TORTOLA.

Port of

THESE are to Certify that the undermentioned Sugars shipped in Virtue of His Majesty's Order in Council, dated the 8th of October, 1806, on board the

whereof

is Master, and bound for

are the Growth and Produce

of

of the *British Virgin Islands*, as appears
by the Oath of
the Shipper hereof.

Sug.
Fig.

[*Here describe the Marks and Numbers of the Packages, together with their Denomination, whether Hogsheads, Tierces, or otherwise, and specify in Words at length how many of each.*]

And these are further to certify, that it appears by the original Register produced to us, that the above Ship was registered
at the

Given under our Hands and Seals of Office,
at the
Day of in the
Year of the Reign of our Sovereign Lord George the Third, King of the United Kingdom of *Great Britain* and *Ireland*, and in the Year of our Lord

His Majesty may authorize the Importation and Exportation of such Goods as shall be mentioned in Order in Council, into and from the West Indies and Continent of South America, in Vessels belonging to States in Amity.

It shall be lawful for His Majesty, with the Advice of His Privy Council, to authorize the Governors and Lieutenant Governors of the British West India Islands and Territories on the Continent of South America, in such Manner and under such Restrictions as shall seem fit to permit, when the Necessity of the Case shall appear to His Majesty, with the Advice of His Privy Council, to require it, from Time to Time during the

the present War, and for Six Months after the Ratification of a Treaty of Peace, the Importation into and the Exportation from any Island in the *West Indies*, (in which Description the *Bahamu* Islands and the *Bermuda* or *Somer* Islands are included) or any Lands or Territories on the Continent of *South America* to His Majesty belonging, of any such Goods, and Commodities, as shall be mentioned in such Order of His Majesty in Council, in any Ships or Vessels belonging to the Subjects of any State in Amity with His Majesty, in such Manner as His Majesty shall direct; provided such Ships or Vessels shall duly enter into, report, deliver their Cargoes, and re-load at such Ports only where regular Custom Houses shall have been established. 46 Geo. 3. c. 111.—Sec. 1.

Restriction as to the Importation of certain Articles.

Nothing in this Act shall extend to the Importation of any Goods, or Commodities, Staves and Lumber excepted, which are not the Growth or Produce of the Country to which such Ships or Vessels as are provisionally permitted under this Act to import them shall belong; nor to the Export in such Foreign Vessels of any Sugar, Indigo, Cotton, Wool, Coffee, or Cocoa.—Sec. 2.

As to the Importation and Exportation of Goods in neutral Ships into and from the British West-Indies and Continent of South America.

In pursuance of the aforegoing Act, the following Order in Council has been issued, dated 1st July, 1807:—His Majesty is pleased, by and with the Advice of His Privy Council, to order, that the Governors and Lieutenant-Governors of His Majesty's Islands and Colonies in the West Indies, in which Description the Bahama Islands,

 and

and the Bermuda or Somer Islands are included, and of any Lands or Territories on the Continent of South America, to His Majesty belonging, and each and every of such Governors and Lieutenant-Governors, are hereby authorized to permit, for *Twelve Months* from the Date hereof, subject to be sooner terminated, varied, or altered, as is hereinafter provided, in any Ships or Vessels belonging to the Subjects of any State in Amity with His Majesty, the Importation into the said Islands, Colonies, Lands and Territories respectively, of Staves and Lumber, and also of every Kind of Provisions, (Beef, Pork, Fish, and Butter excepted) which are of the Growth or Produce of the Country to which such Ship or Vessel importing the same shall belong; the Exception of Fish, however, not to be in force in any of the said Islands, Colonies, Lands, or Territories, in which there shall have been provided a Bounty on Fish taken in any Part of His Majesty's Dominions in North America, or on the Coast thereof, by British Subjects, to an Amount equal to Two Shillings a Quintal on Cod, and imported in British Vessels from any of His Majesty's Provinces, Settlements, or Possessions in North America; and also the Exportation from the said Islands, Colonies, Lands, and Territories respectively, into which such Importation of Staves, Lumber, and Provisions as aforesaid, shall be made, of Rum and Molasses, and of any other Articles, Goods, and Commodities whatsoever, except Sugar, Indigo, Cotton-Wool, Coffee, and

Cocoa;

Cocoa; provided that such Ships or Vessels shall duly enter into, report, and deliver their respective Cargoes, and reload, at such Ports only where regular Custom-Houses shall have been established; and His Majesty is further pleased to order, that notwithstanding any thing hereinbefore contained, the said Permission and Authority to import and export shall cease and determine, or be varied and altered, before the Expiration of the abovementioned Period of Twelve Months, at the Expiration of Six Months after the Notification in the London Gazette, of any Order of His Majesty, for revoking, varying, or altering such Permission and Authority, or shall cease and determine at the Expiration of Six Months after the Ratification of a Definitive Treaty of Peace.

Article 2.—The Order shall not subject to Capture or Condemnation any Vessel or the Cargo of any Vessel *belonging* to any Country *not at War* with His Majesty, which shall *have cleared from some Port or Place in this Kingdom*, or from *Gibraltar* or *Malta*, (see Class 4th. Article 3, as to IRELAND,) *under such Regulations as His Majesty may think fit to prescribe*, or *from any Port belonging to His Majesty's Allies*, and proceeding DIRECT to *the Port specified in her Clearance.* Paragraph 8.

This is so clear and explicit that no particular Remark is necessary relative thereto; and as to the REGULATIONS *prescribed by His Majesty*, in consequence of this Exception, see Class

 the

the fourth, with two *additional* Orders, dated 25th November, containing *Regulations* respecting Vessels clearing from the *United Kingdom*, Gibraltar, and Malta, and also from GUERNSEY, JERSEY, and MAN.

Article 3.—The Order shall not subject to Capture or Condemnation any Vessel or the Cargo of any Vessel *belonging to any Country not at War* with His Majesty, which shall be coming FROM any Port or Place IN EUROPE which by this Order *is* SUBJECT TO THE RESTRICTIONS OF BLOCKADE, (see Class 1st) *destined to* some Port or Place in Europe BELONGING TO HIS MAJESTY, and which shall *be on her Voyage direct thereto*. Paragraph 8.

There cannot be any Doubt as to this Article, which is the only Remark to be made thereon.

Article 4.—The aforegoing Exceptions are not to exempt from Capture or Confiscation any Vessel or Goods *liable thereto* in respect to having *entered* or *departed from* any Port or Place *actually blockaded* by His Majesty's Squadrons or Ships of War, or for being *Enemies' Property*, or for any *other* Cause than the Contravention of this Order. Paragraph 8.

Article 5.—No Vessel belonging to any State on the Coast of *Barbary*, shall be prevented from sailing with any Articles, the *Growth or Produce of such State, from* any Port or Place in such

such State, *to* any Port or Place in the *Mediterranean or Portugal* not being *actually* blockaded, without being obliged to touch at *Gibraltar or Malta.—Third additional Order, 25th* November.

Article 6.—The Order shall not subject to Capture and Confiscation any Articles the Produce and Manufacture of the Countries and Colonies liable to the Restrictions of Blockade (see Class 1st) laden on board BRITISH Ships, which would not have been subject to Capture and Confiscation, if the Order of 11th November had not been made.—*Fourth additional Order,* 25th November.

Article 7.—*All Ships and Goods belonging to Prussia,* which may *have been seized subsequent* to His Majesty's Order of the 19th of November, 1806, and are *now detained* in the Ports of this Kingdom, or elsewhere, and *all Ships and Goods belonging* to Inhabitants of *Lubeck,* which *are so detained,* shall be restored upon being pronounced by the High Court of Admiralty, or any Court of Vice-Admiralty in which they have been or may be proceeded against, to belong to Subjects and Inhabitants of Prussia or Lubeck, and not otherwise liable to Confiscation, and that such Ships and Goods *shall be permitted to proceed to any Neutral Port, or to the Port to which they respectively belong*—And the *Ships and Goods belonging to Prussia or Lubeck* shall not, until further Orders, be liable to Detention, provided

provided such Ships and Goods shall be *trading to or from any Port of this Kingdom, or between Neutral Port and Neutral Port, or from any Port of His Majesty's Allies*, and proceeding *direct* to the Port specified in their respective Clearances.—*Fifth additional Order*, 25th Nov.

Article 8.—*All Ships and Goods belonging to Portugal*, which *have been* and *are now detained* in the Ports of this Kingdom, or elsewhere, shall be restored upon being pronounced by the High Court of Admiralty, or by the Court of Vice-Admiralty, in which Proceedings may have been or shall be commenced, to *belong to Subjects and Inhabitants of Portugal*, and not *otherwise liable* to Confiscation, and the said Ships and Goods shall be permitted to proceed to any *Neutral Port, or to Portugal.*—And the Ships and Goods *belonging* to Portugal, shall not, until further Orders, be liable to Detention, provided such Ships and Goods shall be trading *to or from any Port of this Kingdom*, or *to and from Gibraltar or Malta*, and proceeding *direct* to the Port specified in their Clearance, or between *Neutral Port and Neutral Port*, or between *Portugal and the Ports of her own Colonies*, or from any Port of His Majesty's *Allies*, and proceeding direct to the Ports specified in their respective Clearances, provided such Ports shall not be at the Time in a State of *actual* Blockade. And the Ships of Portugal shall not be considered as entitled under any *Treaty* between His Majesty and Portugal to protect any *Goods* laden therein

which

which may be otherwise subject to Confiscation. *Sixth additional Order*, 25th Nov.

Article 9.—All Goods and Merchandizes specified and included in the *Schedule* of the 43. Geo. 3. Cap. 68. may be IMPORTED from any Port or Place *belonging to any State* NOT AT AMITY with His Majesty in SHIPS BELONGING TO ANY STATE AT AMITY with His Majesty. Paragraph 16.

Upon this, as to the *Articles* specified and included in the said Act, and the *Duties and Drawbacks* thereon, see REGULATIONS, Class 4th, Article 2.

CLASS THE FOURTH.

As to the *Regulations* for carrying the various Objects of the Orders into Effect, it is directed as in the *six* following Articles.

Article 1.—The Commanders of His Majesty's Ships of War and Privateers, and other Vessels acting under His Majesty's Commission, are to WARN every Vessel, (which shall have *commenced her Voyage prior to* any Notice of this Order, and shall be destined *to* any Port *of France* or *her Allies*, or any other Country *at War* with His Majesty or any OTHER Port or Place IN EUROPE from which the British Flag is excluded, or to any COLONY *belonging to His Majesty's Enemies*, and which SHALL NOT HAVE CLEARED AS BEFORE ALLOWED. See Class 3.—To DISCONTINUE her Voyage, and *to proceed* to some Port or Place in THIS KINGDOM. or to *Gibraltar* or *Malta*. See also Class 2d, Article 4, as to the

the CONFISCATION for a Breach of this Regulation. Paragraph 9.

This Article does not appear to require any explanatory Observation, but there being a *Difference* between the two Orders in the 9th and 17th Paragraphs as to IRELAND. See the Observations upon Article 3. in this Class.

Article 2. All Goods or Merchandize specified or included in the Schedule of the 43. Geo. 3. cap. 68. may be *imported* from any Place belonging to any State NOT *at Amity* with His Majesty in *Ships belonging to any State at Amity*, subject to *such Duties* and entitled to *such Drawbacks* as are by Law established on the Importation of the same *in* SHIPS *navigated according to Law;* and with respect to *such Goods* as are authorized by 43 Geo. 3, cap. 132. to be WAREHOUSED subject to the *Regulations of* THAT ACT, and with respect to Articles *prohibited by Law from being imported* into this Country, the same shall be REPORTED FOR EXPORTATION to any Country *in Amity or Alliance* with His Majesty. Paragraph 16.

Upon this, as to the Articles specified and included in the Act of Consolidation, they will be seen by referring to 43 Geo. 3. cap. 68. Schedule A. Page 557 to 633. The Enumeration and Description of these Articles, and the Statement of the Duties to which they are liable, and the Drawbacks to which they are entitled, would occupy too much Space, and would not be generally useful in considering the present Subject: But it is to be observed that several

Articles

Articles are favoured in respect to the *Amount* of Duty when imported in a *British-built* Ship, and the Order does not expressly direct whether the Duties to be charged shall be those payable on Importation in a *British-built* or in any *other* Ship: However as the Trade thus permitted is to be carried on by FOREIGN SHIPS, it should seem that the same Duty was intended to be charged as would be payable for the like Goods when imported in *such Foreign Ships legally navigated*, as can only by virtue of 12 Car. 2. c. 18. sect. 8. lawfully import such Goods into this Kingdom.

The next thing upon Article 2, is respecting Warehoused Goods.

PORT OF LONDON.

Warehousing Goods, and Regulations relative thereto.

Table (A).

Articles which may be secured in Warehouses at the *Isle of Dogs*, belonging to the *West India* Dock Company, without the Duties on Importation being first paid.

Not imported by the *East India* Company:

Cocoa Nuts
Coffee
Sugar.

Imported from the *West Indies*:

Cotton Wool	Melasses
Ginger	Pimento
Indigo	Rum.
Mahogany	

Table

Table (B).

Articles which (not being imported by the *East India* Company, or from the *West Indies*) may be secured in Warehouses belonging to the *London Dock* Company, without the Duties on Importation being first paid:

Rice	Brandy
Tobacco	Geneva and other Spirits.
Wine	

Table (C).

Articles which (not being imported by the *East India* Company, or from the *West Indies)* may be secured in Places to be approved by the Commissioners of the Customs, without the Duties on Importation being first paid:

Brimstone	Staves
Cork	Tallow
Hemp undressed	Tar
Iron in Bars	Timber
Kelp	Tow
Mahogany	Turpentine
Pitch	Wood.
Rosin	

Table (D).

Articles which (not being imported by the *East India* Company, or from the *West Indies*) may be secured in Warehouses to be approved by the Commissioners of the Customs, without the Duties on Importation being first paid:

Skins, *videlicet.—Indian* Deer Skins, Half dressed or shaved.

Other Skins and Furs not tanned, tawed, or in any way dressed.

Spermaceti

Spermacceti Oil, Head Matter, Train Oil, and all other Fish Oil, Blubber, and Whale Fins of *British* Fishing.

Table (E).

Articles which (not being imported by the *East India* Company, or from the *West Indies*) may be secured in Warehouses to be approved by the Lords of His Majesty's Treasury, without the Duties on Importation being first paid:

Almonds of all Sorts	Indigo
Anchovies	Juniper Berries
Anniseed	Linen, plain, of all Sorts, except Sail Cloth
Balsam Capivi	Manna
Barilla	Mohair Yarn
Bees Wax	Oil of Olives
Bristles undressed	— Palm
Cantharides	— Salad
Carpets, Turkey	— of Turpentine,
Chip Hats	Opium
Clover Seed	Prunes
Cochineal	Quicksilver
Cotton Yarn	Raisins of all Sorts
——— Wool	Rhubarb
Currants	Saffron
Elephants Teeth	Sena
Feathers for Beds	Silk, Raw
Figs	—— Thrown
Ginseng	Silk Waste
Gum Arabic	Smalts
—— Senega	Straw Hats
Jalap	
Jesuit's Bark	

Besides the Goods enumerated in the Five Tables aforegoing, it is directed by 47 Geo. 3, cap. 48, that on the Importation of *any Goods*, in

in pursuance of 42 Geo. 3, c. 80, and 44 Geo. 3, cap. 30, and 45 Geo 3, cap. 34, *the same* shall be warehoused under the Regulations of 43 Geo. 3, c. 132, so far as those Regulations are applicable.

The Goods described in the above Acts, which are to be in Force till six Months after ratifying a Definitive Treaty of Peace, and which, by their Operation, create an *additional Table*, are

Goods, EXCEPT Tobacco, Snuff, and Rice, the Produce of Countries *not* under the Dominion of His Majesty, on * the *Continent of America* or in the *West Indies*, having been imported (*by Order in Council*, to be warehoused for Exportation) from *such* Countries, in *Neutral Ships*, not less than 100 Tons, *navigated in any Manner*, or in *British* Ships *legally* navigated. And also Goods imported by *His Majesty's Licence* granted to British Subjects, to import on their *own* or *Neutral Account*, from any Country in *America*, belonging to any Foreign *European* State, ANY GOODS, the Produce of *such* Country, whether manufactured or otherwise, the same not being *prohibited* to be USED OR CONSUMED in Great Britain; such Goods to be imported in *Neutral Ships*, under such Regulations as His

* The Enactment of 47 Geo. 3, c. 48, sect. 1. is Goods "From any Country not under the Dominion of His Majesty OR the Continent of America, &c." By referring to the other Acts, it will appear that the Word *or* has certainly been printed by Mistake, instead of ON the Continent, &c. the latter is therefore here inserted.

Majesty

Majesty shall direct, and be liable to Duty as if imported in *British-built* Ships, but *Sugar and Coffee* must be warehoused for EXPORTATION.

The Regulations respecting the Goods enumerated and described as aforesaid, are as follows:

Goods to be regularly entered and landed, a correct Account to be taken at landing, and the Contents marked on the Packages.

Before any Goods shall be lodged in Warehouses, or otherwise secured, the same shall be duly entered with the proper Officer of the Customs, and regularly landed; and the Officer shall on such Landing, or as soon after as conveniently may be, examine the same, and take a particular and correct Account of the Quantity, Quality, Species, Number, and Contents thereof, which Account shall be regularly entered in a Book or Books to be provided and kept for that Purpose, in such Manner as the Commissioners of the Customs shall direct; and the Contents shall also be marked by or under the Direction and Inspection of the said Officer, in distinct and legible Characters, on every Package, in all Cases where the same shall be practicable; and no Allowance, either for Damage or on any other Account, shall be made on any Goods, unless the Importer, at the Time such Goods are first examined, shall claim the Allowance to which by Law they may be entitled.—43 Geo. 3, c. 132, sec. 12.

Goods to be delivered for Exportation without Payment of Duty,

No Goods, shall be delivered from any Warehouse or Place, but upon the following Conditions; (that is to say,) if any such Goods shall

on Bond; and, when delivered out for Home Consumption, Duties to be paid.

shall be intended for Exportation, the Proprietor may take the same for Exportation, without Payment of any Duty of Customs, (except as hereinafter mentioned,) provided such Proprietor shall, before any such Goods are delivered, make a due Entry with the proper Officer of the Customs, and shall, with the Master of the Ship in which such Goods are intended to be exported, and One other sufficient Surety, to be approved of by the Collector or Comptroller of the Customs at the Port of Exportation, enter into Bond to His Majesty, in Treble the Value thereof, with Condition that the Goods intended to be exported, shall be landed at the respective Ports or Places, for which the same shall have been entered, and that no Part of the same shall be relanded in *Great Britain*, or landed in *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or *Faro* or *Ferro*, which Bond shall be discharged in the Manner hereinafter mentioned; (that is to say,) for such Goods as shall be landed in *Ireland*, or any Part of *Europe* not within the Streights of *Gibraltar*, the Condition of the Bond shall be to bring a Certificate in Discharge thereof, within Six Months from the Date of the Bond; and for such Goods as shall be landed at *Gibraltar*, or any Foreign Parts within the Streights of *Gibraltar*, within Twelve Months from the Date of the Bond; and for such Goods as shall be landed in any Part of *Africa*, not within the Streights of *Gibraltar*, and on this Side the *Cape of Good Hope*, or in any Part of *America*, within Eighteen

Eighteen Months from the Date of the Bond; and for such Goods as shall be landed at *Saint Helena*, or in any Port or Place at or beyond the *Cape of Good Hope*, within Thirty Months from the Date of the Bond; which Certificate for such Goods as shall be landed in *Ireland*, or any Part of His Majesty's Dominions, Plantations, or Settlements, where any Officer of the Customs shall be resident, shall be signed by the proper Officer, there certifying that such Goods were there landed, and for Want of such Officer residing there, such Certificate shall then be signed by the Governor of such Islands, Plantations, or Settlements, or in his Absence by the Deputy Governor thereof; and for such Goods as shall be landed at any Foreign Port or Place, such Certificate shall be signed by the *British* Consul or Vice Consul residing there, and if there shall be no such Consul or Vice Consul, then such Certificate shall be under the Hand and Common Seal of the Chief Magistrate of such Port or Place, or if there be no such Chief Magistrate, then under the Hands and Seals of Two known *British* Merchants, resident at such Port or Place, testifying that such Goods were there landed, and such Bond may also be discharged, upon Proof made to the Satisfaction of the Commissioners, that such Goods were taken by Enemies, or perished in the Seas; and if such Goods shall be intended to be taken to be used or consumed in *Great Britain*, the Person taking out the same, shall first pay to the Collector or other proper Officer

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the Duties of Customs due on the Importation at the Time the same shall be taken out, according to the Account taken thereof at the first Examination, without any Deduction or Abatement whatever, except as by this Act is otherwise provided; and if by reason of any Effect produced by Weather, or the Time such Goods may have been warehoused, the same shall have increased in Weight, such Increase shall not subject the same to Forfeiture, but the full Duties of Customs payable on such Excess of Weight shall be charged. But no Bond is to be given to the Officer of the Customs, for the Exportation of Wine, Brandy, Rum, Geneva, or other Spirits.—Sec. 13.

Allowance for Waste, in Coffee and Cocoa Nuts.

In respect of Coffee and Cocoa Nuts, an Allowance shall be made by the Officers of the Customs and Excise to the Importers, at the Rate of Two Pounds for every One Hundred Pounds Weight, as a full Compensation for all Loss, Waste, or Damage.—Sec. 14.

Goods embezzled or concealed, forfeited, and the Parties liable to Penalty.

If any Goods warehoused or secured shall be embezzled, or fraudulently or clandestinely hid, concealed, or removed, such Goods, with the Packages, shall be forfeited, and be seized by any Officer of the Customs, or Excise, in Cases where that Revenue is concerned; and the Person so embezzling, hiding, concealing, or removing the same, or aiding or assisting therein, or to whose Hands the same shall knowingly come, shall be subject to the like Penalties as if such Goods had been fraudulently unshipped or landed

landed without Payment of Duty, which is treble the Value; by 8 Ann, C. 7, S. 17.—Sec. 15.

Goods destroyed by Fire, no Allowance to be made nor any Duty charged.

In case any Goods warehoused or secured, shall be destroyed by Fire, it shall not be lawful for the Importer, or for any other Person to claim, or to maintain any Action on any Account against His Majesty or the Commissioners, or any Officer of the Customs or Excise, or other Person employed by the said Commissioners, for any Compensation on Account of such Goods having been destroyed by Fire, and no Duty of Customs or Excise shall be demanded for Goods so destroyed.—Sec. 16.

By whom Warehouse Rent to be paid.

In all Cases where Goods are permitted to be warehoused or secured, the Expence of Warehouse Rent, and all other Charges, shall be paid by the Importer; and in case it shall be deemed expedient that any Warehouse should be provided or erected at the Charge of the Crown, for the Purpose of securing therein any of the Goods in Tables (C.) (D.) and (E.) the Importer of such Goods shall pay to the Persons, who may be appointed by the Commissioners to receive the same, Warehouse Rent for such Goods, to be estimated according to the usual Rate of such Rent for the like Articles paid at the Port of Importation, and such Estimate shall be made and the Rate of Payment fixed accordingly by the Commissioners, with the Approbation of the Commissioners of His Majesty's Treasury, or any Three of them.—Sec. 17.

Goods not to be exported in Vessels under Seventy Tons.

No Goods shall be exported from any Warehouse or Place, or entered for Exportation in any Vessel, which shall not be of the Burthen of Seventy Tons: But this shall not alter any Provision in any Act at the Time of passing this Act, relating to the Tonnage of any Vessel in which any Goods may be exported from *Great Britain.*—Sec. 18.

How Goods are to be taken out of Warehouse.

No Goods shall be delivered out other than in the Packages in which the same shall have been imported, or in one entire Quantity equal thereto, and contained in a similar Package; nor shall any Brandy, Rum, Geneva, Spirits, or Aqua Vitæ, be taken out for Exportation in any less Quantity than One entire Cask, containing at least One Hundred Gallons; nor any Wine in less than One entire Cask, containing Forty-five Gallons.—Sec. 19.

Package of Coffee or Cocoa Nuts.

It shall be lawful under the Inspection of the Officers of Customs and Excise, to repack for Exportation only Coffee or Cocoa-Nuts, in any other Sort of Package than that in which the same was imported, provided the Quantity contained in such Repackage be not less than Four Hundred Weight.—Sec. 20.

Regulation as to Delivery of Goods imported in Bulk.

No Goods, the Duties of which shall have been secured by Bond, and which shall have been imported in Bulk, shall be delivered, except in the whole Quantity for which such Bond shall have been given, or a Quantity not less than One Ton Weight, unless by special Leave of the Commissioners

Commissioners of His Majesty's Customs, or any Three of them, such Leave to be obtained previous to Delivery; and before any Goods shall be delivered, every Package shall be marked in such distinguishing Manner as the said Commissioners shall direct.—Sec. 21.

Before any Goods, (except Sugar) shall be delivered for the Purpose of being exported, the Exporter or Proprietor of such Goods shall make a due Entry thereof with the proper Officer of the Customs, and pay the additional Duties of Customs granted by 43 G. 3, c. 70. during the present Hostilities.—Sec. 22.

War Duties imposed by 43 G. 3 c. 70 to be payable on the Exportation of Goods, except Sugar.

When any Goods are intended to be taken for Exportation, the proper Officer of the Customs shall re-examine such Goods, and in case it shall appear that the Quantity or Contents is or are less than the Quantity or Contents taken at the first Examination, then the Importer or the Person intending to take out the same, shall, before the same are so delivered, make a due Entry of such deficient Quantity, and pay the Duties of Customs thereon, except as is otherwise provided. Sec. 23.

Goods exported to be re-examined and Duty to be paid for Deficiencies.

On the shipping for Exportation of any Goods, the Searcher, or other proper Officers of the Customs, shall, after due Examination, give without Fee to the Exporter, or his Agent, a Certificate, specifying the Quantity, Quality, and Species of the Goods, which Certificate shall afterwards be delivered to such Officer or Person, as the Commissioners shall direct, in order that the same

Goods exported, a Certificate to be granted by the proper Officer in Discharge of Importer's Account.

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may be entered in a Book to be provided for keeping such Accounts as the Commissioners may think necessary, with the Importer, which Certificate, as far as the same will apply, shall go in Discharge of the Accounts of such Goods, or in Discharge, as far as the same will apply, of the Bond given by any Importer for the Payment of the Duties on such Goods.—Sec. 24.

Drawbacks to be allowed on Goods where full Duties have been paid, in certain Cases.

In case any Goods on which the Duties shall have been paid, shall be exported, the Exporter shall be allowed the like Drawbacks of Customs as would have been allowed on the Exportation of such Goods, in case this Act had not been made; and also the like Drawbacks of Excise with respect to Wine on which the Duties of Excise shall have been paid; provided the same are exported within One Year from the Time of the Payment of Duties thereon.—Sec. 25.

Rum may be shipped as Stores without Payment of Duty.

Nothing in this Act shall prevent Rum of *British* Plantations, having been warehoused under the Authority of this Act, from being delivered for the Purpose of being shipped as Stores without Payment of Duty of Customs, subject to the Conditions and Securities required by the Acts in force on the passing of this Act. Sec. 26.

The Regulations respecting the Shipping of such *Rum* as *Stores*, upon which an *Excise Drawback* was allowed before the warehousing Act passed, are as follows:

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When any Merchant shall be desirous of shipping any such Rum as Stores, and shall give five Days Notice thereof to the Commissioners of Excise, or such Person as they shall appoint, mentioning the exact Destination of the Voyage, the Tonnage of the Ship, and the Number of the Mariners to be employed in navigating the same, and also the Number of His Majesty's Troops that may be embarked in the same, it shall be lawful for the said Commissioners, or Person, to ascertain the Quantity of Rum shipped on board such Ship as Stores, and for which such Drawback and Allowance shall be made, and also the Size and Marks of the Casks in which such Spirits shall be shipped; and on Oath being made before one of the said Commissioners, or a Justice of Peace for the County or Place from whence such Rum is to be exported, or before such Person as the said Commissioners shall authorise, that the same are to be shipped as Stores to be spent in the Voyage, the Merchant shipping the same shall be paid the same Drawbacks, and have the same Allowances, as if such Rum had been exported as Merchandise. —19 Geo. 3, c. 22, sec. 7. 42 Geo. 3, c. 20, sec. 1. Notice to be given before shipping

Provided that no Drawback or Allowance shall be made for Rum exported for Stores in any Cask containing less than 100 Gallons, or on board any Vessel of less Burthen than 100 Tons. —See page 50—32 Geo. 3, c. 143, sec. 18, as to the Exportation of *other* Goods in Vessels of 70 Tons burthen. Quantity and Tonnage restricted.

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Bond for the due Consumption.

No Rum shall be delivered free of Duty, out of any Warehouse, as Stores to be consumed on board Ships on their Voyages to Foreign Parts, unless the Person intending to have the same so delivered shall give Bond, with sufficient Security, to be approved of by three of the respecive Commissioners of Excise, or such Persons as they shall appoint, in double the Value of the Goods, and the Duties of Excise thereon, that such Rum shall (the Danger of the Seas and Enemies excepted) be really spent on board the Ship for which the same is to be delivered as Stores, by the Mariners employed in navigating the same, or by His Majesty's Troops embarked in the same; and that no Part thereof shall be relanded in *Great Britain, Ireland*, or the Islands of *Guernsey, Jersey, Alderney, Sark*, or *Man*.—42 Geo. 3. c. 93. sect. 16.

Taking of Samples.

It shall be lawful for any Officer of Excise, before the Delivery of Rum out of Warehouses as Stores, and at any Time afterwards, to take as many Samples as he shall think fit, (neither of such Samples exceeding Half a Pint) out of each Cask or Package, paying (if demanded) at the Rate of 3s. per Gallon; and if any Person shall obstruct him herein, he shall forfeit 100l.—28 Geo. 3, c. 37, sec. 17.

Illegally unshipping or relanding.

If any Rum or Spirits shipped for Stores, shall be unshipped in order to be relanded, the same, with the Casks or Packages, and the Boats and Vessels, Horses, Cattle, and Carriages made Use of in such relanding, or afterwards in the Removal thereof,

thereof, shall be forfeited, and may be seized by any Officer of Customs or Excise; and every Person who shall so unship such Rum, or be assisting, or otherwise concerned in such unshipping, or into whose Hands the same shall knowingly come after such unshipping, shall forfeit treble the Value thereof, to be estimated at the highest London Price; and if the Master or other Person belonging to the Ship, shall assist in, or connive at, such unshipping or relanding, he (over and above all other Penalties) shall forfeit 100*l.*—Sec. 18.

Goods, if fraudulently re-landed, forfeited.

In case any Goods shall, after having been entered for Exportation, be fraudulently unshipped or relanded, except by Necessity or Distress, to be proved to the Satisfaction of the Commissioners of the Customs, the same shall be forfeited, and may be seized by any Officer of the Customs.—43 Geo. 3, c. 132, s. 27.

Vessels, out of which Goods have been re-landed, forfeited, but in certain Cases may be restored.

Where, by this or any other Act, any Goods, which shall have been shipped in order to be exported, or shall be liable to Forfeiture on account of the same being unshipped or relanded, then the Ship or Vessel out of which such Goods shall be so unshipped or relanded, shall be liable to Forfeiture, and be seized by any Officer of the Customs or Excise, in Cases where that Revenue is concerned: Provided always, that in any Case in which it shall be proved to the Satisfaction of the Commissioners of the Customs, or Excise, that such Goods so unshipped or relanded either

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did not form any Part of the Cargo of the Ship or Vessel, or were of small Value, and that from the Nature and Quantity of such Goods, and the Circumstances attending the unshipping or relanding thereof, the same was done without the Privity or Knowledge of the Master of such Ship or Vessel, it shall be lawful for the Commissioners to remit such Forfeiture, and declare the Seizure of such Ship or Vessel to be void; and in such Case no Person shall be entitled to bring or maintain any Suit on account of such Seizure.—S. 28.

Goods, if not taken out within a limited Time, to be sold.

The Importer shall within Fifteen Calendar Months to be computed from the Day on which such Importer shall have made the first Entry thereof, clear from such Warehouses or Places, either for Exportation, or to be consumed in *Great Britain*, all Goods, and in case such Importer shall fail or neglect so to do, it shall be lawful for the Commissioners of the Customs, to cause such Goods to be publicly sold, and after such Sale the Produce thereof is first to be applied to or towards the Payment of the Freight, Primage, and Charges of Warehouse Room, and other Charges that shall arise thereon; next the Duties of Customs and Excise; and the Overplus, if any, to be paid to the Proprietor or other Persons authorized to receive the same; provided that no Goods shall be so sold, unless a Price can be obtained for the same equal at least to the Amount of all Duties of Customs and Excise, together with the Expences thereon; but if such Price cannot be obtained, then such Goods shall

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be effectually destroyed by and in the Presence of the proper Officer of the Customs, and also of the Excise, in Cases where that Revenue is concerned, who are required to destroy the same accordingly; and the Proprietor of such Goods shall have no Claim, in Law or Equity, to the Value of such Goods.—Sec. 29.

Before any Goods, subject to a Duty of Excise, on the Importation, shall be unshipped for the Purpose of being warehoused before Payment of the Duties, the Importer or Proprietor shall make Entry thereof in Writing with the proper Collector of Excise, specifying the Name of the Ship or Vessel, and the Master thereof, the Number and Marks of the Casks, Cases, Bags Boxes, or other Packages, the Kind or Species of Goods contained in each, and at what Port or Place the same was loaded or taken in.—Sec. 32.

Entry to be made at Excise and Accounts before Landing.

No Brandy, Rum, Geneva, Spirits or Aqua Vitæ shall be warehoused before Payment of the Duties, unless the same shall be imported in Casks of One Hundred Gallons each; nor shall any Wine be warehoused before Payment of Duty, unless imported in Casks containing at least Forty-five Gallons each; nor shall any Coffee or Cocoa Nuts be warehoused before Payment of Duty, unless the same shall be contained in Casks, Bags, Boxes, or other Packages of at least One Hundred and Twelve Pounds Net Weight each.—Sec. 33.

Size of Casks and Packages for Spirits, Wine, and Coffee.

Bond to be given for Exciseable Commodities.

Before any such Goods, subject to a Duty of Excise, shall be warehoused before Payment of Duties, Security shall be given, to be approved by the Commissioners of Excise, or the Person appointed by them, which Security such Persons are empowered to take by Bond in Double the Value of the Duties chargeable on such Goods, for Payment of all Duties, before the same shall be delivered out of any Warehouse for Home Consumption; or in case the same shall not be taken out for Home Consumption on Payment of the Duties, or for Exportation, within One Year from the Day of the Date of the Bond, then to pay all Duties chargeable on the Goods, at the End of the said Year, with all Charges that may be incurred by the Officers of Excise in respect of such Goods.—Sec. 34.

Warrant from the Collector to be obtained before landing.

No such Goods, subject to a Duty of Excise, shall be unshipped and deposited in any such Warehouse without a Warrant for that Purpose from the proper Collector of Excise, nor without the Presence of an Officer of Excise; and if any such Goods shall be so unshipped or landed without a Warrant, or without the Presence of an Excise Officer, the same shall not be allowed to be warehoused, but shall be subject to Forfeiture, as by any Law of Excise in force, or hereafter to be made.—Sec. 35.

No Two Articles subject to different Duties to be warehoused together.

No Goods, subject to different Duties of Excise, shall be knowingly lodged in one and the same Room, Place or Apartment, in any Warehouse,

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on Pain of forfeiting such Goods, together with the Packages containing the same, which shall be seized by any Officer of Excise.—Sec. 36.

Goods to be stowed so as to afford Access to the Packages.

All Goods in Warehouses shall be stowed away, placed and deposited in such Manner as that easy and convenient Access may be had to every Cask, Case, Bag, Box, or other Package, for the Purpose of examining and taking a true Account of the Contents thereof; and if the Proprietor of any such Goods, or any Warehouse Keeper or Agent, shall omit, neglect, or refuse so to stow away, place, and deposit the same, or cause the same to be so stowed away, placed or deposited, at his own Charge, he shall for every Omission, Neglect or Refusal forfeit Fifty Pounds.—Sec. 37.

Notice to be given of taking Goods out of Warehouse.

Before any Goods, subject to a Duty of Excise, shall be delivered out, either for Home Consumption or Exportation, the Importer thereof shall give at least Twenty-four Hours Notice in Writing to the proper Collector or Officer of Excise of his Intention, specifying in such Notice the particular Goods intended to be taken out, the Number, Marks, and Description of each Package, and the Kind and Species of Goods therein contained, the Ship or Vessel by which the same was imported, the particular Warehouse in which the same is deposited, and whether to be taken for Home Consumption or Exportation; and in case the same shall be intended to be taken for Home Consumption, then the Excise Duties chargeable thereon shall be paid down to the proper Collector of Excise,

according

according to the Account first taken on the Landing thereof, before any Goods shall be delivered out; or in case the same shall be intended to be taken for Exportation, then the Proprietor or Exporter shall, before the Delivery, give Security, to be approved by the Commissioners of Excise, or the Person appointed by them; which Security such Person shall take, by Bond, in Double the Value of the Duties chargeable for Home Consumption, that the same shall be duly shipped and exported, and shall not be unshipped or put on board any other Ship, Vessel, or Boat, (Shipwreck or unavoidable Accident excepted) nor relanded in *Great Britain*, or *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*: Provided that nothing shall extend to require any Bond to be taken by the Commissioners or Officers of Excise in respect to the Exportation of Coffee or Cocoa Nuts.—Sec. 38.

Goods to be delivered in the Presence of the Officer.

No such Goods, subject to a Duty of Excise, shall be delivered out, either for Home Consumption or Exportation, except in the Presence of the proper Officer of Excise; and the Removal and Shipping of such Goods as shall be intended for Exportation, except Coffee or Cocoa Nuts, shall be attended and the same shall be seen on Ship-board by the proper Officer of Excise.—Sec. 39.

Goods for Home Consumption to be accompanied by Permits, and for Exportation to be forthwith shipped.

All such Goods, subject to a Duty of Excise, which shall be delivered for Home Consumption, shall be accompanied by an Excise Permit, granted

granted according to the Laws in that Case provided; and in case any such Goods, Coffee and Cocoa Nuts excepted, shall be delivered for Exportation, the same shall forthwith, and without unnecessary Delay, and in the Presence of the proper Officer of Excise, be carried to and put on board the Ship or Vessel in which the same are to be exported, and in case the same shall be altered in Quantity or Quality, after being delivered and before exported, or shall not be actually put on board, or if the Whole, or any Part thereof, shall, after being shipped, be unshipped or put into any other Ship or Vessel, or into any Boat, (Shipwreck or unavoidable Accident excepted), or shall be relanded in *Great Britain*, such Goods, the shipping of which shall be so omitted and neglected, or which shall be altered in Quantity or Quality, or be unshipped or relanded, shall, with the Packages containing the same, be forfeited, over and above the Penalty of the Bond in respect of the Exportation thereof, and shall be seized by any Officer of Excise.—Sec. 40.

Officers to take Account before Goods are warehoused, and take Samples.

It shall be lawful for the proper Officer of Excise, to take a true and particular Account of the Quantity, Quality, and Species of all Goods, subject to Duty of Excise, which shall be proposed or intended to be or shall be warehoused before Payment of the Duties, by Weight, Gauge, Tale, or otherwise, as the Case may require, while the same shall be remaining on Ship-board, or while in any Boat, Barge, Lighter, or Ves-

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sel, or as soon as the same shall be landed, or whilst the same shall remain on any Wharf, or other Place, and also while the same shall be remaining in any Warehouse, in order to ascertain and secure the Duty of Excise chargeable thereon; and such Officer shall be permitted at any Time to take a Sample of any such Goods, that is to say, out of every Cask of any Kind of Spirits, a Sample not exceeding Half a Pint, and out of every Cask or other Package of Coffee or Cocoa Nuts, a Sample not exceeding One Ounce, which Samples shall be regularly marked and registered, and securely kept by the proper Officer, until the Goods to which the same refers shall have been delivered for Home Consumption, or Exportation.—Sec. 41.

Proprietor to take Samples.

It shall be lawful for the Importer of any such Goods, at any Time, in the Presence of the proper Officer of Excise, to take a Sample thereof; that is to say, out of each Cask of any Kind of Spirits or Wine, not more than Half a Pint; and out of every Cask or other Package of Coffee or Cocoa Nuts not more than Two Ounces, provided that no more than Two such last-mentioned Samples shall be taken, except in any Case where the former Sample shall be returned.—Sec. 42.

Proprietor may examine Goods in the Presence of the Officers.

Every Importer, who may be desirous to inspect any such Goods to him belonging, shall, upon giving Four Hours Notice in Writing to the proper Officer of Excise, be permitted by such Officer, with the Concurrence and in the Presence

sence of the proper Officer of the Customs, to enter into and remain in such Warehouse so long as shall be necessary, during the legal Hours of Business, for the Purpose of inspecting such Goods, or for making such lawful Alterations therein, or Arrangements thereof, as may be necessary either for the Preservation and Security thereof, or in order to the Sale or legal Disposal of the same: Provided that no such Alterations or Arrangements shall be made which may tend to lessen His Majesty's Duties, or to impede or obstruct or otherwise embarrass the Officers of Customs and Excise in taking and keeping a true Account thereof.—Sec. 43.

If the Quantity of any such Goods, which at the End of One Year from the Date of the Bond entered into with the Excise, shall have been delivered for Home Consumption, added to the Quantity of such Goods which within the like Period shall have been duly exported, shall be deficient of the actual Quantity ascertained and taken Account of at the Time of the Importation, then the Importer shall pay to the proper Collector of Excise, the Duties chargeable for the Quantity so deficient; and upon making such Payment, the Bond shall be delivered up.—Sec. 44. Duty to be paid for Deficiencies.

If any Person shall molest, oppose, or impede any Officer of Customs or Excise in the due Execution by this Act granted to such Officer, every Person so offending shall forfeit Two Hundred Pounds.—Sec. 46. Penalty obstructing Officers.

Nothing

Regulations respecting Tea, Tobacco, Snuff, and Spirits, not repugnant to the Act, not repealed.

Nothing in this Act shall alter any of the Regulations of the Customs or Excise in force at the passing of this Act, in respect of Tea, Tobacco, or Snuff, or Rum, Spirits, or Aqua Vitæ, the Produce of the *British* Plantations in *America;* but all the said Regulations shall remain, not being repugnant to this Act.

Tea warehoused.

In regard to TEA, which is excepted in the aforegoing Section, that Article is imported and *warehoused* by the *East India Company;* and as it is *not enumerated* in the Warehousing Act, nor in any of the Tables, the *Exception,* respecting the same, may have been only necessary for the Purpose of preventing the *Addition* thereof to the other Articles; for, by Sect. 9, the Lords of the Treasury are authorised to EXTEND the Regulations of the Act to any Goods *not* enumerated or described in the Tables annexed to that Act.

Tobacco and Snuff warehoused.

As to TOBACCO and SNUFF, those Articles are required to be deposited in Warehouses provided by the Commissioners of the Customs, at the Tobacco Ports, agreeably to 29th Geo. 3, cap. 68, and the Regulations respecting the same are as follows:

As to the Entry, Warehousing, and Delivery of Tobacco and Snuff.

The Importers are to make Entry with the Officers of the Customs and Excise of the Quantity, within Ten Days after the Master's Report, if the whole or major Part of the Lading of the Ship be Tobacco, or within Fifteen Days if the major Part of the Lading consist of other Goods, specifying

cifying in such Entry whether the Tobacco be *Spanish*, *Portugal*, *American*, *Irish*, &c. and also the Number of Hogsheads, &c. with the Marks and Numbers, and the Weight of Tobacco in each, agreeably to the Manifest, and agreeably to the Particulars in the Report; and the Importers of Snuff to make like Entry with the Collector, within Ten Days after the Ship's Report, specifying whether the Snuff is imported by the *East India* Company, or from any *British* Plantation, or any other Place, as also the Number of Hogsheads, &c. with the Numbers, Weight, and Quantity of Snuff contained therein; and if such Entry for Tobacco and Snuff be not made, the Tobacco and Snuff may be conveyed to the King's Warehouses, and the Tobacco, &c. be secured Twenty-four Months, and the Snuff One Month, unless cleared before, and the same shall not be delivered unless the Importer shall first pay the Custom Warehouse-keeper Warehouse Rent, at the Rate of Three Halfpence per Week for every Hogshead of Tobacco, and Sixpence per Week for every Hogshead of Snuff.—29 Geo. 3, c. 68, s. 27, 28.—33 Geo. 3, c. 57, s. 1.

As to marking Hogsheads, separating damaged Tobacco, and stowing in the Warehouse.

The Officers of the Customs, on board Ships in which Tobacco shall be imported, shall mark every Hogshead, &c. with such Mark as the Commissioners of the Customs shall direct, and also with progressive Numbers, and no Hogshead, &c. shall be unshipped before being so marked, and when so marked the Importers, &c.

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in the Presence of the proper Officers, shall (in case a due Entry has been made) land such Tobacco, and carry the same to the Warehouse, and the proper Officers shall attend such Tobacco until the same shall be warehoused; and the Landing Waiters shall, upon the Hogsheads, &c. being brought to the Warehouse, cause proper Landing Marks and Numbers to be set upon each Hogshead, &c. and the Importers shall take the Tobacco out of the Hogsheads, &c. and separate all the damaged and mean Tobacco for which they refuse to pay Duties from the Residue, and bring the same to the Scales to be weighed; and the Landing Waiters, together with the proper Officers of Excise, shall forthwith weigh and take an Account of such Tobacco, and the Importers shall take the same from the Scales and remove it to be stowed away: Any Importers neglecting to take Tobacco out of the Hogsheads, &c. lodged in such Warehouses, or to bring the same to be weighed, or to take the same from the Scales, to pay 1½d. per Week for each Hogshead, &c. before such Tobacco is cleared or delivered.—29 Geo. 3. c. 68, s. 34.—33 Geo. 3. c. 57, s. 1.

Stalk not to be separated from the Leaf.

The Stalk of such Tobacco not to be separated from the Leaf, on Pretence that the same is damaged, nor any Allowance made in consideration of the Tobacco being damaged or mean; and in case the Importer refuses to pay Duties for the same, it shall not be exported, but the Commissioners of the Customs and Excise shall cause

cause the same to be burnt, and the Ashes sold. 29 Geo. 3. c. 68, s. 35.—31 Geo. 3. c. 47, s. 2.—33 Geo. 3. c. 57, s. 3.

After Tobacco has been weighed, Samples may be taken out of each Hogshead, &c. not exceeding 4lbs. aud the same shall be returned by the Importer, and when the Hogshead, &c. is to be re-weighed for Exportation, or for Home Trade, a second Sample, not exceeding 4lbs. may be taken, if the first Sample be returned; and such second Sample to be returned when the Hogshead, &c. is to be re-weighed for Exportation or for Home Trade; and previous to weighing for Exportation, the damaged and mean Tobacco may be separated from the Residue, and shall be given up to the proper Officers to be burnt.—29 Geo. 3, c. 68, s. 36. 33 Geo. 3. c. 57, s. 8. Samples may be taken, and damaged Tobacco given up.

Persons erasing Marks, Numbers, &c. which have been put on Hogsheads according to this Act, to forfeit 100*l.*—29 Geo. 3. c. 68, s. 48. Erasing Marks.

Tobacco to be taken away in 24 Months for Home Trade or Exportation, and warehoused Snuff in one Month from the Time of Entry, on the following Regulations, (for Home Trade) viz. the Importer to give 24 Hours Notice to the Custom and Excise Warehouse-keepers of his Intention so to do, and the particular Hogsheads, &c. with the Marks thereon, and also at the Time specified in such Notice, or within One Hour after, at his own Expence, to bring the Tobaco and Snuff to the Scales to be weighed: Time and Regulations for clearing Tobacco and Snuff from Warehouses.

and the proper Officers shall weigh and take an Account of every Hogshead, &c. and the Importer shall pay the Duties thereon, and procure Certificates of the Payment of Duties from the Collector or chief Officer of the Customs and Excise, and endorse thereupon the Plantation Mark, &c. of the Hogshead, &c. and the Weight of the Tobacco or Snuff, as also the Landing Marks, with the Weight at the Time of Importation and at the Time of Delivery ; and on Delivery of the Certificates to the Warehouse-keepers, a Permit is to be given for the Removal of the Hogsheads, &c. to the entered Premises of the Manufacturer, or to whom the same are intended to be removed : Importers not complying with this Clause, with regard to the Notice, and bringing Tobacco and Snuff to be weighed, are to give another Notice before the Tobacco or Snuff is re-weighed.—29 Geo. 3, c. 68, s. 52.

Warehouse Rent.

Three Halfpence per Hogshead per Week to be paid for the Warehouse-room of Tobacco, which shall remain after the Expiration of 18 Months from the Time of Entry.—29 Geo. 3, c. 68. s. 53.—33 Geo. 3, c. 57. s. 1.

Tobacco and Snuff not cleared, to be sold for Duty, or destroyed.

If Tobacco be not taken from the Warehouse within Three Years from the Time of Entry, and the Duties paid, and Snuff in One Month from that Time, it may be sold for the Payment of the Duties, by Order of the Commissioners of Customs or Excise, and (after deducting the Duties, Costs, &c.) the Produce is to be paid the Importer, &c. and the Custom and Excise

Duties

Duties are to be brought to Account; but if no more than the Duties are offered for such Tobacco or Snuff when put up for Sale, it may be burnt, and the Ashes sold, by Order of the said Commissioners.—29 Geo. 3, c. 68, s. 55.—33 Geo. 3, c. 57, s. 2.

The like after weighing for Exportation.

If Tobacco or Snuff be not taken from the Warehouse in 14 Days after being weighed for Exportation or Home Consumption, 1½d. per Week is to be paid for each Hogshead of Tobacco, and 6d. for each Hogshead of Snuff, besides the Duties; and in Default of Payment no Tobacco, &c. shall be delivered to the Importer, but the same shall be sold, and the Produce applied as before directed.—29 Geo. 3, c. 68. s. 56.—33 Geo. 3, c. 57, s. 1.

Porters, &c. to be licensed

No Persons to be employed by Importers of Tobacco or Snuff, in the King's Warehouses, but such as are licensed by the Commissioners of the Customs, who are to take proper Security for the faithful and upright Conduct of such Persons, and the Servants by them employed.—S. 57.

Regulations as to taking Tobacco from the Warehouse for Exportation,

Tobacco lodged in Warehouses, on Importation, pursuant to this Act, may be exported directly from thence under the Restrictions and Regulations following, viz. the Person intending to export shall give 24 Hours Notice in Writing to the Custom and Excise Warehouse-keepers, of his Intention to export, and of the Number of Hogsheads, &c. and the landing Marks and Numbers on each Hogshead, &c. and shall also, at the time specified in such Notice,

Notice, or within one Hour after, at his own Expence, bring such Tobacco from the Part of such Warehouse in which the same is stowed away, and also take such Tobacco from and out of the Hogsheads, and bring the same to the Scales to be weighed, and the proper Officers shall weigh and take an Account of such Tobacco; and such Person intending to export, shall, before Delivery of the Tobacco, procure a Cocket, and make out two Bills for Exportation, and endorse them with the Manifest Mark and Number which were upon each Hogshead, &c. at the Time of Importation, and also the Landing Marks and Numbers, with the Weight of the Tobacco in each Hogshead, &c. and endorse upon the Cocket, the Weight of the Tobacco in each Hogshead, &c. at the Time of its being weighed for Exportation, and deliver such Cocket and one of the Bills endorsed to the Searcher of the Customs, and the other Bill to the Excise Warehouse-keeper, and no Searcher shall authorize the shipping, unless such Cocket and Bill be so endorsed and delivered; and if such Person intending to export does not, at the Time specified in such Notice, or within One Hour after, bring the Tobacco from the Part of such Warehouse where stowed away as aforesaid, and take the same out of such Hogshead, &c. and bring the same to be weighed, then such Notice shall be void, and the like Notice is to be again given before any Tobacco shall be delivered for Exportation.—29 Geo. 3, c. 68, s. 39.

Persons

Bond to be given for the due Exportation.

Persons intending to export Tobacco to be delivered out of the Warehouse, shall, before the same be delivered out of the Warehouse, give Bond himself, (with Two other Sureties, of which the Master of the Ship in which the Tobacco is to be exported, shall be one, the other to be approved of by the Collector or other chief Officer of the Customs,) in 1s. per lb. Weight of such Tobacco, with Condition that such Tobacco shall (the Dangers of the Seas and Enemies excepted) be exported and landed in such Ports as shall be specified in such Bond, and shall not be exported to any other Place, nor unshipped, or put on board any other Ship in *Great Britain*, (Shipwreck or other unavoidable Accident excepted,) nor relanded in *Great Britain*, *Ireland*, the *Isle of Man*, or the Islands of *Jersey*, *Guernsey*, *Alderney*, or *Sark*, unless entered and ship- those Places, or the Islands of *Ferro* or *Faro* — And the Penalty of the Bond shall not exceed 3,000l. and no such Bond shall be charged with any Stamp Duty.—29 Geo. 3. c. 68, s. 40, 41.

To be delivered in the original Package.

No warehoused Tobacco to be delivered for Exportation but at the Place where the same was originally imported, and in the original Hogshead, &c. with the manifest and landing Marks thereon, and the Numbers, without any Alteration, except such as shall be occasioned by Cooperage, except as hereafter provided, and except Samples which are to be exported in separate

separate Packages, but with the original Hogsheads, &c.—29 Geo. 3, c. 68. s. 42.

As to Repacking.

After Separation of damaged Tobacco, if the Remainder in the Hogshead shall be under 450lbs. it may be re-packed in the Presence of the Officers of the Customs and Excise, for Exportation, and exported, provided the Hogshead has the Landing Mark and Numbers which were on at the Importation.—29 Geo. 3, c. 68. s. 43.

Respecting the Delivery, on Certificates of Bond having been given for the due Exportation.

Tobacco for Exportation, may, on due Entry Outwards, be delivered from the Warehouses, upon producing to the Warehouse-Keepers Certificates of the requisite Bonds having been entered into, and if the Tobacco, is Spanish or Portugal, a Certificate from the Collector, of the Duty having been paid; and such Tobacco is to be shipped by licensed Persons, agreeably to 26 Geo. 3, c. 40, and the Shipping is to be attended by the proper Officer of the Customs —S. 44.

Concealing Tobacco.

Tobacco so delivered, shall, if concealed, or not shipped within 24 Hours after Delivery, or if the Hogsheads, &c. be opened, or Tobacco taken therefrom, it shall be forfeited, and may be seized by Officers of the Customs or Excise. —29 Geo. 3, c. 68. s. 45.

Forfeitures on unshipping or re-landing.

If any Tobacco, shipped for Exportation, shall be unshipped within the Limits of a Port of this Kingdom, or four Leagues of the Coast, or shall be re-landed, (unless by Necessity to save the Ship and Goods from perishing, to be made

known

known to the principal Officers of the Customs at the nearest Port), such Tobacco shall be forfeited, and the Vessel, with her Tackle, &c. from which, and the Vessel or Boat into which, the same shall be taken, and be seized by Officers of the Customs or Excise.—29 Geo. 3, c. 68, s. 46.

Penalties on unshipping or re-landing.

Every Person who shall unship or re-land, or cause to be unshipped or re-landed, any Tobacco, contrary to 29 Geo. 3, c. 68. or who shall be assisting, or otherwise concerned in such unshipping or re-landing, or to whose Hands the same shall knowingly come, after unshipping or re-landing, above all other Penalties, shall forfeit treble the Value of such Tobacco, to be estimated at the highest Price which Tobacco of the best Quality shall sell for in London, at the Time when such Forfeiture shall be incurred; and if any Proprietor or Consignee of such Tobacco, or the Master, or any other Person belonging to any Ship on board which such Tobacco shall have been shipped for Exportation, shall assist in, or connive at, such unshipping or re-landing, such Proprietor, &c. above all other Penalties, shall, for every such Offence, forfeit 100*l.*—34 Geo. 3, c. 50. s. 13.

Tonnage of Ships exporting Tobacco.

No Tobacco to be exported, except to *Ireland*, in Vessels under 70 Tons; and if Officers of the Customs or Excise apprehend, or have Reason to believe a Vessel is not of Tonnage, they may detain the Vessel, and all the Cargo of Tobacco or other Goods, and the Vessel may be admeasured agreeably to 26 Geo. 3, c. 60. s. 14;

s. 14; in case, on such Admeasurement, the Vessel is of Tonnage, the Officer shall not be liable to any Action; and if the Master of any Vessel outward-bound, (Ireland excepted), having on board Tobacco, shall enter and clear as of 70 Tons, and the Ship shall not be of so great Tonnage, according to the aforesaid Rule, such Master shall for every Offence forfeit 100*l.*—29 Geo. 3. c. 68. s. 47.

Erasing Marks. Persons erasing Marks set on Hogsheads, &c. according to this Act, to forfeit 100*l.*—29 Geo. 3. c. 68. s. 48.

How Bonds are to be discharged. The Bonds before directed shall be discharged, as follows, viz. for unmanufactured Tobacco entered for *Ireland*, *Guernsey*, *Jersey*, *Alderney*, or *Sark*, upon Production of a Certificate to the Collector or Chief Officer of the Customs who took Bond, within six Months from the Date thereof, testifying the landing of such Tobacco; and upon Production of a like Certificate within 12 Months for Tobacco entered for any other Place in *Europe*, except the *Isle of Man* and *Faro* or *Ferro*, or any Place in *Asia* or *Africa*, within the *Streights of Gibraltar*, and upon Production of a like Certificate within 18 Months, for Tobacco entered for the *British* Plantations, &c. in *America* or *Africa*, or the *United States* of *America*; and upon Production of a like Certificate within 24 Months, for Tobacco entered for any Place at or beyond the *Cape of Good Hope*; and such Certificate for Tobacco as shall be landed in any Place

Place where an Officer of the Customs shall be resident, shall be signed by the proper Officer of the Customs, but if no Officer, the Certificate is to be signed by the British Consul or Person acting as such; and if no Officer or British Consul, such Certificate shall be under the common Seal of the Chief Magistrate of the Place, or under the Hands and Seals of Two known British Merchants then at such Place, or such Bond shall be discharged, upon Proof that the Tobacco was taken by Enemies, or perished in the Sea, or was destroyed by Fire; the Examination and Proof thereof being left to the Judgment of the Commissioners of the Customs.—29 Geo. 3. c. 68. s. 49.

Bonds for exporting Tobacco to *Ireland*, not to be forfeited, if the Quantity certified to be landed is not deficient more than 2lbs. in the 100lbs.—S. 50. Allowance for Deficiency.

Tobacco not to be exported, or entered for Exportation, to *Jersey, Guernsey, Alderney, Sark*, or the *Isle of Man*, on Forfeiture thereof, to be seized by any Officer of the Customs or Excise, unless permitted by Licence under the Hands of the Commissioners of the Customs.—29 Geo. 3. c. 68. s. 51. Not to be export. to Jersey, &c.

With Respect to Plantation Rum and Spirits to be warehoused without Payment of the *Excise* Duties, the Regulations relative thereto are as follow: Rum and Spirits warehoused.

Rum and Spirits of the *British* Sugar Plantations, imported directly into *Great Britain*, Security on Warehousing.

may

may, on Entry, and before Payment of the Duty of Excise, be landed and put into Warehouses, provided by the Proprietor or Importer, and approved of by the Commissioners of Excise, under the joint Locks of the Proprietor and Warehouse-keeper; Security being first given to pay the said Duty, (according to the Gauge at landing) as soon as such Rum or Spirits shall be sold, or at the End of *twelve* Months, if they shall not then be sold.—15 and 16 Geo. c. 25. s. 1, 7.—6 Geo. 3, c. 47.

Time for Clearing.

If the Duty is not paid at the Expiration of the said Time, the Commissioners may cause such Rum or Spirits to be sold by Auction; and out of the Produce discharge the Duty and all Expences, and pay the Surplus, if any, to the Proprietor.—15 & 16 Geo. 2. c. 25, s. 9.

Landing without Entry.

Landed without being entered at the Custom-House, and with the Collector of Excise, or without a Warrant from the proper Officers, or without the Presence of an Excise-Officer, forfeited.—15 and 16 Geo. 2, c. 25. s. 3.

Delivery for Home Consumption.

May, from time to time, be delivered out of such Warehouses (but not in less Quantities than one Cask, containing at least twenty Gallons, unless it was for the Use of the Seamen in the Voyage) on Paying the Duty, and producing to the Warehouse-keeper, and Officer appointed to attend, a Warrant or Certificate from the Collector, certifying such Payment.—15 and 16 Geo. 2, c. 25. s. 5, 6.

Spirits



Warehouse-keepers and Officers appointed to attend Warehouses, are to enter in proper Books Accounts of all Rum, &c. which shall be brought into, and carried out of their respective Warehouses; and at the End of every six Months, transmit an Account thereof, upon Oath, to the Commissioners of Excise, together with what is remaining; and if it shall appear to the said Commissioners that any of the said Rum, &c. has been delivered out before Payment of the Duty, then such Warehouse-keepers and Officers respectively offending, shall be disabled to hold any Public Office, and also forfeit 100*l*.—15 & 16 Geo. 2, c. 25, s. 4. Warehouse-keepers to make out Accounts for the Commissioners.

Exported before Payment of the Duties of Excise, from the Warehouses where deposited on Importation, to be discharged from such Duties: But no Duties of Excise to be remitted for any Rum or Spirits exported in any Cask containing less than one hundred Gallons, or on Board any Vessel of less Burthen than one Hundred Tons, or exported from any Port not being the Port of Importation, unless exported as Merchandize to *Africa*, *Ireland*, and *Newfoundland*, in Vessels not being of less Burthen than seventy Tons.—33 Geo. 2, c. 28. s. 1, 2, 6. 6 Geo. 3, c. 46. s. 9. Duties to be discharged on Exportation as hereby required.

The Quantity to be delivered out of the Warehouse, to be exported, shall be computed according to the Gauge at the Time of Landing upon Importation; and if after Delivery from the Quantity to be computed. Forfeiture on concealing or not shipping.

Warehouse

Warehouse for Exportation, Spirits are deposited in any Place so as to be concealed from public View, or not shipped within twelve Hours after Delivery, the Package opened, or the Spirits taken out, or the Quality of the Spirits altered; in every such Case, the Spirits, with the Package, shall be forfeited, and may be seized by any Officer of Excise.—33 Geo. 2. c. 28. s. 7, 8.

Penalties on not shipping and exporting, and on fraudulently landing or re-landing or reducing the same.

Entered as Merchandize for Exportation, and not really shipped and exported (Danger of Seas and Enemies excepted) or landed in *Great Britain*, or the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, unless in Case of Distress, which shall presently be made known to the Officers of Excise, and principal Officers of the Customs in the Port; such Spirits, with the Package, shall be forfeited, and the Persons concerned in unshipping, or to whose Hands they shall knowingly come after unshipping, or by whose Privity or Direction they shall be re-landed, shall forfeit Double the Amount of the Duties charged upon the Importation of such Spirits, and the Package containing the same, with the Vessels, Cattle and Carriages used in the Conveyance thereof; which may be seized by any Officer of the Customs or Excise; and the Master, or any other Person belonging to the Vessel, assisting in, or conniving at the fraudulent Landing of such Spirits, shall, over and above all other Penalties, suffer six Months Imprisonment; and the Package altered after shipping,

shipping, and before the Arrival at the Port of Discharge, and the Master shall forfeit 100*l.*: And Spirits if altered or reduced after shipping, shall be forfeited, with 100*l.* by the Persons concerned therein.—33 Geo. 2, c. 28, s. 10, 11.

The aforegoing Regulations under the Warehousing Act, relate to LONDON only.—But Powers are given by the 10th Sect. of that Act, and by 45 Geo. 3, c. 87, and 46 Geo. 3, c. 137, *for extending* the Regulations to OTHER PORTS.

This has not yet been *generally* done, though at Liverpool, Bristol, Hull, and a few Out-Ports, several of the Articles have been allowed to be warehoused, agreeably to some official Regulations which have not been publicly promulgated, and which may be known by Application to the principal Officers at such Ports, to whom every necessary Direction has of course been given.

The only Thing remaining to be considered respecting Article 2 is, that *Goods prohibited by Law from being imported into Great Britain*, shall be *reported for Exportation* to any Country in Amity or Alliance with His Majesty.

The Enumeration and Description of Goods *so prohibited*, will be found by referring to Volume 1, page 210 to 250 of Mr. Earnshaw's Abstracts of Laws, printed by Brooke, Paternoster-row, in 1793, and Vol. 3, page 55 to 70,

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of the Continuation of that Work published in 1807.

Art. 8.—All Vessels which shall arrive at any Port of the UNITED KINGDOM, or at *Gibraltar* or *Malta*, in consequence of having been warned, or receiving Information in any other Manner of the Order *subsequent* to their having taken on board any Part of the Cargo, whether previous or subsequent to their sailing, shall be permitted to report their Cargoes for Exportation, and be allowed to proceed upon their Voyages to their *original* Ports of Destination (if not *unlawful before* issuing the Order, or to any *Port at Amity* with His Majesty, upon receiving a CERTIFICATE from the Collector or Comptroller of the Customs, setting forth that such Vessels came into Port in consequence of Warning or Information, and that they were *permitted* to sail from such Port under the Regulations established by His Majesty.—But, if any Vessel so arriving, shall prefer to *import* her Cargo, then it may be *entered* on the same Conditions as the Cargo might have been in case the Vessel had sailed after Notice of the Order, and in Conformity thereto.—Paragraph 17.

This is sufficiently clear and explicit, and nothing more is necessary than to take the *Certificate* or enter the Cargo if it can be legally imported; but it is remarkable, that the Order (Paragraph 9) directs that Vessels having been warned, &c. shall proceed to some Place in THIS Kingdom, and the Provisions of

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the present Article 3, (Paragraph 17,) relate to Vessels arriving at Ports of the UNITED Kingdom—therefore, taking the Orders together, it should seem, as far as the Reason and Intention of those Orders can be construed and reconciled with each other, that Vessels may return to IRELAND as well as to Great Britain.

See the explanatory Directions to the Collectors and Comptrollers, that Vessels *arriving here* in Obedience to the Order, either in consequence of Warning or Knowledge of it in any other Manner, subsequent to their beginning to lade for their Voyage, be *permitted to clear* to the Port of original Destination: not being *actually blockaded*, or to any *friendly Port* or to *Import* (at their Choice) as they would have been permitted to import before the Order. And that Certificates be given, specifying certain particulars to identify Ships, &c. and to guard against any *improper Transfer*, or the Document, or the *Application* thereof to any *future Voyage*, as well as to *protect* them from Molestation during the Voyage.—And that *Vessels in Ballast* shall have the Benefit of the Order, (Paragraphs 27, 28, 29.) See also the *Form* of a Certificate to be granted by Collectors and Comptrollers for Neutral Vessels *permitted* to commence a new Voyage, after their Arrival, in consequence of Warning or Notice, &c. Paragraph 30.

Article 4.—All Vessels which shall arrive at any Port of the *United* Kingdom (see aforegoing

Remark

Remark as to *Ireland)* or Gibraltar or Malta, agreeably to the Order, shall be allowed in respect to *all* Articles on board EXCEPT *Sugar, Coffee, Wine, Brandy, Snuff and Tobacco,* to clear out to any Port to be specified in SUCH CLEARANCE: And as to the *last mentioned* Articles, to export the same to such Ports, and under such *Regulations only* as His Majesty by LICENCE may direct. Paragraph 18.

See the explanatory Directions before referred to, Page 81.—Paragraphs 27 to 30, and the further Directions that the aforegoing *Exception* as to Sugar, &c. is not to apply to Ships *already here,* or arriving *upon warning* or *upon a Voyage,* BEFORE NOTICE OF THE ORDER. Paragraph 29.

In consequence of the REGULATIONS which were necessary to be prescribed by His Majesty respecting Vessels which were compelled to return to the *United Kingdom, Gibraltar and Malta,* after warning, &c. and also respecting Vessels which are permitted to proceed to *Guernsey, Jersey, and Man,* the *two* following Orders have been issued.

Article 5.—All Vessels belonging to Countries not at War with His Majesty, shall be permitted to lade in any Port of the *United Kingdom* any Goods being the Produce or Manufacture of His Majesty's Dominions, or East India Goods or Prize Goods, (all such Goods having been lawfully imported) and to clear out with and

freely

freely to convey the same to any Port or Place in any Colony in the West Indies or America, belonging to His Majesty's Enemies, such Port or Place not being in a State of actual Blockade, subject to the Payment of such Duties as may at the time when any such Vessels may be cleared out, be due by Law, on the Exportation of any such Goods, or in Respect of the same being destined to the Ports of the Colonies belonging to His Majesty's Enemies; and likewise to lade, clear out with, and convey as aforesaid, any Articles of Foreign Produce or Manufacture, which shall have been lawfully imported into this Kingdom; provided His Majesty's *Licence* shall have been previously obtained for so conveying such Foreign Produce or Manufactures.—And any Vessel belonging as aforesaid, shall be permitted to lade in any Port of the *United Kingdom*, any Goods, not being Naval or Military Stores, which shall be of the Growth, Produce, or Manufacture of this Kingdom, or which shall have been lawfully imported (save and except Foreign Sugar, Coffee, Wine, Brandy, Snuff and Cotton) and to clear out with, and freely to convey the same to any Port to be specified in the Clearance, not being in a State of *actual Blockade, although the same shall be under the Restrictions of the said Order*, and likewise to lade, clear out and convey Foreign Sugar, Coffee, Wine, Brandy, Snuff, and Cotton, which shall have been lawfully imported; provided His Majesty's *Licence* shall have been previously obtained for the Exportation and

Conveyance thereof: And no Vessel shall be permitted to clear out from any Port or Place in this Kingdom, to any Port or Place of any Country subjected to the Restrictions of the said Order, with any Goods, which shall have been laden (after Notice of the said Order) on board the Vessel which shall have imported the same into this Kingdom, without having first duly entered and landed the same in some Port or Place in this Kingdom; and no Vessel shall be permitted to clear out from any Port or Place in this Kingdom, to any Port or Place whatever, any Goods, the Produce, or Manufacture of *any Country, subjected to the Restrictions of the said Order*, which shall have been laden, after Notice as aforesaid, on board the Vessel importing the same, *without having so duly entered and landed the same*; or any Goods whatever which shall have been laden after such Notice in the Vessel importing the same, in any Port or Place of any Country *subjected to the Restrictions of the said Order without having so duly entered and landed the same in some Port or Place in this Kingdom*, EXCEPT the Cargo shall consist wholly of *Flour, Meal, Grain, or any Article or Articles the Produce of the Soil of some Country which is not subjected to the Restrictions of the said Order*, EXCEPT COTTON; and which shall have been imported in an *unmanufactured* State direct from *such Country* into this Kingdom in a Vessel belonging to *the Country* from which such Goods have been brought, and in which the same were grown and produced. And any

Vessel

Vessel belonging to any Country *not at War* with His Majesty, may clear out from *Guernsey, Jersey, or Man*, to any Port or Place under the Restrictions of the said Order, which shall be specified in the Clearance, *not being in a State of actual Blockade*, with such Articles only, *not being Naval or Military Stores*, as shall have been legally imported into such *Islands* respectively, *from any Port or Place in this Kingdom direct*. Aud with respect to all such Articles as may have been imported into the said Islands respectively *from any Port or Place under the Restrictions of the said Order*, it shall *not* be permitted to any Vessel to clear out with the same from any of the said Islands, *except to some Port or Place in this Kingdom.—Second Additional Order, 25th November.*

Article 6.—All Sorts of *Flour and Meal, and all Sorts of Grain, Tobacco*, and any *other Article in an unmanufactured State*, being the Growth and Produce of any Country *not* being subjected by the said Order to the Restrictions incident to a State of Blockade, *except Cotton and Naval and Military Stores*, which shall have been imported into Gibraltar or Malta direct from the Country where the same were grown and produced, shall, *without any Licence*, be permitted to be cleared out to any Port or Place, *not being in a State of actual Blockade, without the same being compelled to be landed;* but neither the said Article of Cotton, however imported, nor any Article which is not the Growth, Produce, or Manufacture

ture of this Kingdom; or which has not been imported in a British Ship, or from this Kingdom direct *(except Fish)* and which shall have been laden at the Port of original Shipment, after the Period directed by an Order of this Date, to be taken as the Time at which Notice of the said Order of the 11th November, shall be considered as having been received at such Port of Shipment *shall be permitted to be exported from Gibraltar or Malta,* EXCEPT *to some Port or Place in this Kingdom.* And all other Articles of the Growth, Produce, and Manufacture of *this Kingdom,* or which shall have been imported into Gibraltar or Malta in a *British Ship, or from some Port or Place in this Kingdom,* together with the Article of *Fish, however imported,* may be exported to any Ports or Places in the Mediterranean or Portugal, under *such Licence only* as is hereinafter directed to be granted by the Governor of Gibraltar and Malta respectively. And Licences be granted by the Governors, Lieutenant-Governors, or other Persons having the Chief Civil Command at Gibraltar, or at Malta, respectively, but in His Majesty's Name, to such Person or Persons as the said Governors, Lieutenant-Governors, or Persons having the Chief Civil Command, shall think fit, allowing such Person or Persons to export from Gibraltar direct to any Port in the Mediterranean, or to any Port of Portugal, or to any Port of Spain, without the Mediterranean *not further North than Cape Finisterre,* and from Malta direct, to any Port *being within the*

the Mediterranean, with any Articles of the Produce or Manufacture of His Majesty's Dominions, and any Articles which shall have been imported into Gibraltar or Malta, from this Kingdom, to *whomsoever* such Articles shall appear to belong (*not being Naval or Military Stores*) in *any Vessel* belonging to *any Country not at War with His Majesty*, or in any Vessel *not exceeding one Hundred Tons Burthen*, and being *unarmed*, belonging to *the Country to which such Vessel shall be cleared out and going*; and also to import in any such Vessel or Vessels as aforesaid, from any Port within the Mediterranean, to Gibraltar or Malta, or from any Port in Portugal or Spain, as aforesaid, to Gibraltar, such Port and such Destination respectively to be specified in such Licence, any Articles of Merchandize whatsoever, and to *whomsoever* the same may appear to belong, such Articles to be specified in the Bill of Lading of such Vessel, subject, however, to such further Regulations and Restrictions, with Respect to all or any of the said Articles, so to be imported or exported, as may be inserted in the said Licences, by the Governors, Lieutenant-Governors, or other Persons having the Chief Civil Command at Gibraltar or Malta, for the Time being respectively, as to them shall from Time to Time seem fit and expedient. And in every such Licence shall be inserted the Names and Residence of the Person or Persons to whom it shall be granted, the Articles and their Quantities permitted to be exported,

exported, the Name and Description of the Vessel and of the Master thereof, the Port to which the Vessel shall be allowed to go, which shall be some Port *not under actual Blockade*, and that no Licence so to be granted shall continue in Force for longer than *two Months from its Date*, nor for more than *one Voyage*; nor shall any such Licence be granted, or acknowledged to be valid if granted, to permit the Clearance of any Vessel to *any Port which shall be actually blockaded by any Naval Force of His Majesty or of His Allies*. And the Commanders of His Majesty's Ships of War and Privateers, and all others whom it may concern, shall suffer every such Vessel sailing conformably to the Permission given by this Order, or having any Licence as aforesaid, to pass and repass *direct* between Gibraltar or Malta, and such Port as shall be specified in the Licence in such Manner, and under such Terms, Regulations, and Restrictions as shall be expressed therein. And in case any Vessel so sailing as aforesaid, for which any such Licence as aforesaid shall have been granted, and which shall be proceeding direct upon her said Voyage, shall be detained and brought in for legal Adjudication, such Vessel, with her Cargo, shall be forthwith released by the Court of Admiralty, or Vice Admiralty, in which Proceedings shall be commenced upon Proof being made that the Parties had duly conformed to the Terms, Regulations, and Restrictions of the said Licence, the Proof of such Conformity to

lie

lie upon the Person or Persons claiming the Benefit of this Order, or obtaining or using such Licence, or claiming the Benefit thereof. And no Vessel belonging to *any State on the Coast of Barbary* shall be prevented from sailing with any Articles of the Growth or Produce of such State *from any Port or Place in such State, to any Port or Place in the Mediterranean or Portugal*, such Port or Place not being *actually blockaded* by some Naval Force belonging to His Majesty or His Allies, *without being obliged to touch at Gibraltar or Malta.—Third additional Order, 25th November.*

Having considered every Thing to which the aforegoing Orders are applicable, the annexed Table is referred to as a summary Explanation of the whole.

VELUTI IN SPECULUM;

OR,

A SCENE

IN THE

HIGH COURT OF ADMIRALTY;

DISPLAYING THE FRAUDS OF NEUTRAL FLAGS,

AS EXEMPLIFIED IN THE

CASE OF THE SILENUS.

WITH REMARKS ON

The Prosecution for Libel instituted against the Author by

ADMIRAL MONTAGU.

The Application of His Majesty's Licences; Forged American Certificates; Injustice towards Neutrals; and Danger of His Majesty's Dock-Yards.

ADDRESSED TO MINISTERS AND PARLIAMENT.

By JOHN BROWN,

AUTHOR OF THE MYSTERIES OF NEUTRALIZATION.

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ADVERTISEMENT.

WHEN an Author writes a preface to a work, his object should be to explain its nature, and the motives he had in view, when he wrote and published it. The writer of these few pages will perform that duty with fidelity.

THE CASE OF THE SILENUS

will be found interesting to few readers, except they are professional men. Officers of the Navy, who may wish to glean a little knowledge of the art of analizing neutral cases, may find something in the correspondence concerning the Silenus to amuse, instruct, and mortify them. To the pseudo-neutrals, it will afford a triumph to behold how *dexterously* their Agents managed that very desperate case, in *cutting her out of Court*, when men of ordinary courage would have given her up as lost, and trembled at the thoughts of being sent on such a *forlorn hope*.

Had the Agent been at liberty to have selected his own Proctor, and to have attended the trial, he thinks it would have been *impossible* for the *Silenus* to have escaped condemnation.

For a Naval Commander to be obliged to resort to a privileged Proctor, in cases of neutrals detained at his *own risk*, is a severe and cruel restriction upon the Navy In cases captured by Admiralty orders, or under the

Enemy's flag, there would be no kind of hardship; but where the *responsibility* rests solely upon the captor, *common justice* and *common sense* alike demand that he should be allowed to select his own Attorney, on whose honesty, application, and skill, his hopes and fortune entirely depend.

Mr. Brown is but little indebted to the Gentlemen belonging to the Admiralty Court for their indulgence or forbearance. In the case of the *Hoop-Askergreen,* one or two of the silver-tongued orators of that distinguished tribunal publicly accused him of having attempted to *bribe* an interpreter, who was *sworn* to interpret with strict impartiality. The charge was alike false, groundless, and malignant. More recently, in the case of the *Lisette,* it was attempted to *defend* the captors from costs and damages, by imputing *ignorance* of an *Agent's* duty to the person employed at *Dartmouth* by the Captors. That person was Mr. Brown. The *case of the Silenus* will serve to convince the *captors,* in what manner their Agent conducted their cause; and the gentlemen of the commons may perceive if he understand his *duty* or not. Perhaps if every Agent acted as sincerely for the interest of his principal; there would be less murmuring in the Navy at the failure of their honest claims. Lest his first letter of November 1806 should have been mislaid or forgotten, he reviewed the whole case anew in a letter to Mr. Bishop of February 1807. This will account for a repetition, which must otherwise appear as highly absurd. A judicious reader will not fail to remark, that in this *Danish* case, not ship, nor master, nor cargo out or home, were of *Danish* origin or produce.

BORSE VON LUBECK.

THIS case is worthy the most serious contemplation of the patriot-statesman. After reading it with due attention,

who can be surprised that the French *kept* Lubeck, or *took* Dantzic? The author has no kind of intention to censure this or that administration. The *abuse* of King's licences is an evil which has for years been systematically growing from bad to worse. May this authentic picture of its folly and baseness prove the humble means of putting an end to such disgraceful application of his Majesty's sign manual. If it be not speedily checked, the *alien merchants*, who *traffic in licences*, will not hesitate to apply the royal authority to the supply of the *Brest fleet* with *gunpowder*, and justify their acts from *regard to the prosperity of British commerce*.

FORGED AMERICAN CERTIFICATES.

WHY should the person who is detected in seducing a common mechanic from our shores be so rigorously prosecuted, while the felon who *forges*, or *applies* American documents of citizenship, escapes unpunished, though he be daily and hourly spiriting away the youth and flower of our seamen? The fruit of his crimes forms in its progress an alarming source of discord between the two empires, and is an evil which imperiously demands an immediate and efficient remedy.

INJUSTICE TOWARDS NEUTRALS IN CASES OF CAPTURE BY CERTAIN SHIPS OF WAR.

IT is with a view to *prevent*, that the crimes of those persons are exposed, who liberate neutrals previous to examinations, in consideration of a sum paid for *ransom*, which is nothing more or less than acts of the basest, and most sordid *piracy*. A few insignificant privateers, belonging to pettifogging attorneys, and tradesmen of faded characters, and smugglers of no character at all, have by practices like these, entailed more odium on the British flag, than the whole

of the royal navy combined. Yet, from the *enviable privilege* they enjoy of employing such PROCTORS to manage their causes as they prefer, they obtain more condemnations of enemy's property, covered by neutral flags, than perhaps the whole navy combined! It was never the author's wish to break down the fences which protect *neutral rights*; his only object was to tear away the mask from the visage of the *neutralized enemy*, and see the royal navy, in conducting of its *prize causes*, placed on a footing with private ships of war.

DANGER OF THE ROYAL DOCK-YARDS.

WHEN the steed is stolen, people take care to shut the stable-door. The proverb is not inapplicable to the case under review. There is no nation on earth so attentive to trifles, and so negligent to objects of the very first magnitude, as ourselves. SIR JOHN CARR, in his *Northern Tour*, remarks, that no Englishman was allowed to enter the portals of *Cronenburg Castle*. Is the *citadel* of *Plymouth* shut against Danes? Is the *citadel* of *Plymouth* of less moment to us, than *Cronenburg* is to *Denmark*? A man bred and born within a cable's length of Plymouth-docks, if he wants to visit them, meets with much difficulty to obtain admission. Yet a legion of enemies are suffered to roam at large, on every side of it, by water or land; and there are but few portals so well guarded, but a *golden key* will find an entrance. This is stumbling at straws, and striding over mountains with a vengeance! So much for the miscellaneous contents of this pamphlet, which, whether it be *well-timed*, is certainly *well-meant*; and now for a few words relative to

ADMIRAL GEORGE MONTAGU.

THAT gentleman is now prosecuting the author for a libel relative to *naval abuses*. The celebrated author of "WAR IN DISGUISE," 1st edition, page 181, says, "*It is highly* dis-"advantageous *for an accused, but much injured party, to* "*stand wholly on the defensive; and, in a case like this, it* "*tends perhaps to give colour to the accusation in the eyes of* "*indifferent judges*." This quotation may perhaps apply to Admiral Montagu, as well as Mr. Brown; all he insists on, is, that a long series of unprovoked aggression on the part of the admiral's secretary, urged Mr. Brown, in an evil hour, to write the letter now prosecuted as a libel. The author does not hesitate to avow, that he did wrong in expressing his feelings in such vehement terms. But his mind was smarting under the sense of recent injuries, and he was besides instigated by the arts of an *attorney*, who not only approved of every sentence, but took charge of it himself, and *dispatched it by an express* to overtake the Ashburton post-boy. This *same attorney* served on Mr Brown the first notice he received of the pending prosecution. Mr. Brown never gave a copy to any mortal, till Admiral Montagu himself spread it abroad. Thus far the Admiral has the vantage ground, and he might *drop the prosecution* without leaving any triumph to his opponent.

Admiral Montagu deposes, that directly after he received the letter in question, he transmitted it to the Lords Commissioners of the Admiralty. They were the very gentlemen with whom Mr. Brown *intended* to have communicated, but for the disastrous interference of the Attorney in question, whose *ambi-dexterity* has just been displayed.

Perhaps, even Admiral Montagu himself had been better advised, if instead of commencing this formidable prosecution

under the wing of the Admiralty, he had coolly demanded of Mr. Brown *what proof he could adduce* in support of the assertions made in his intemperate letter. No doubt but many of the abuses complained of at Portsmouth are *unknown* to Admiral Montagu; and if, on inquiry, he had found Mr. B— had any foundation for his complaints, he might, with honour to himself, and advantage to the service, have vouchsafed him redress. At all events he could have instituted the present process with more than all the *eclat* he now enjoys.

THE SECRETARY.

IF he considers the circumstances in which *his conduct* has involved himself, he surely does not repose on a bed of roses. The writer has been credibly informed, that he lately appeared to labour under an uncommon *depression of spirits;* to manifest unequivocal symptoms of a conscience-stricken mind! If so it be, may a beneficent Providence complete its gracious purpose, and, before he be called hence, inspire his heart with true contrition for his manifold transgressions, that the repentant sinner may save his soul alive!

London, 9*th June,* 1807.

VELUTI IN SPECULUM,

&c. &c.

CASE OF THE SILENUS.

" *Dartmouth*, 13*th Nov.* 1806.

" CHARLES BISHOP, ESQ.

" SIR,

" AGREEABLY to my letter of yesterday, I now proceed to send a brief statement of the case of the *Brig* SILENUS of Altona, and her Cargo, captured * on the voyage from Senegal to Tonningen. The Prize-Master's affidavit will explain the fact of material papers having been withheld or concealed, with other interesting particulars of this case.

* By his Majesty's Brig *Dapper*, Lieutenant PRICE, Commander.

"THE BRIG SILENUS,

"Now navigating under Danish colours, was formerly called the *Nancy* of *North Yarmouth*, built in 1801 at that port, was captured by the *Contre-Admiral Magon*, sent into Harlingen, condemned at Paris, sold as a prize by public auction, and bought in by a certain *Jacob Peterson* for 7000 *l.* on account of *Frederick Nicholas Dede* of Altona; but as the amount is simply *said* to have been paid in *specie*, and not in *bills* drawn *upon Dede*, or any banker or correspondent of his, it has the external mark of a simulated transaction, whether it be a genuine one or not.

"NATIONAL CHARACTER OF THE MASTER.

"Reyner Tonnis Smit cannot deny that he is or was a Dutchman; he speaks or writes nothing else. His burger-brief is dated in 1799; but the slightest examination will prove that this instrument itself was printed since the commencement of the present century, and is *ante-*

dated. He says his wife and family reside at Altona; but the letters from his brother, *Jan Smit,* found amongst the papers withheld or concealed, dated 27th and 30th May, 1806, 3d and 6th June, furnish a contrary conclusion. On the 28th May his wife sat off from Altona to Haarburg. On the 6th June a letter arrives from her to Jan Smit at Altona, being *one day* more than time enough for her to have reached *any part of Holland,* not farther than Amsterdam; and the letter of the 6th June from Jan Smit to his brother, master of the Silenus, and inclosing his wife's letter, the word *Vrow* has been erased, and *Broeder* written over it. The false and ante-dated burger-brief is farther shaken by the positive facts, that in 1804 he was first mate of the Potsdam, Saayers master, covered by *Geodelman of Emden,* under the Prussian flag, and bound to Surinam. Since the present war, this same *Dane* was first mate of the *Resolutie, Wildeboor* master, captured on her voyage from Surinam to Rotterdam. He was 27 days a *prisoner of war* at Plymouth. He

says his private adventure of 2000 pounds of coffee was condemned.

" EVASION OF THE BLOCKADE OF THE ELBE.

" The whole outward cargo of the *Silenus* is declared by the *Certificate* of neutral property, dated the 9th June, *to have been shipped* by the house of expedition, Messrs. Donner and Co. of Tonningen, on account and risque of *George Simon Dede*, of Altona, brother to the owner of the brig; but by reference to the letters from George Simon Dede and Frederick Nicholas Dede, it will appear that the whole of the outward cargo (no part of which was *Danish produce)* was *sent* in *schuyts* through the wads *direct* to *Captain Smit*, and put on board the Silenus *from these same schuyts* WITHOUT *having been in the* POSSESSION of *Messrs. Donner and Co.* Her charter-party is dated 16th May. The certificate from the English Consul is dated 23d May. In this certificate, whether it was by accident or design, the brig is only estimated at 72 tons. Thus, being chartered in the Elbe, and the cargo

sent from the Elbe, by the owner of the ship as well as of the cargo, and DIRECT TO THE BRIG, it may perhaps be in the power of His Majesty's Advocate to consider this as *a breach of blockade*, since the cargo, as before stated, *proceeded from the Elbe*, and does not appear to have ever been laden at Tonningen.

" COLOURABLE DESTINATION.

" While her ACTUAL departure from a *blockaded river* was to an *enemy's colony*, she *appeared*, by her papers, to be destined from an open and neutral port to any part of the coast of Africa. But a very superficial examination of the documents, journals, and letters found on search, will disperse that disguise, and prove that her *actual destination* was to a *French colony* from the hour of her being chartered. The examination of the fourth witness, the only one on board that was in her, before the voyage commenced, proves that her last voyage was to Senegal, and her return cargo was *gum*. Her outward invoice mentions 15 bundles of *empty sacks*, and

the cargo of the brig is *contained in those sacks*. Not only that, the journals and letter book will prove, that on the arrival of the Silenus at Senegal, and even *before* the master had set his foot on shore, Captain Kehlner came on board, who by a singular chance, if it was a *chance*, belonging to the same concern as the Silenus, and who seems to have *directed* all the master's actions, while at Senegal. From the hour he quitted Falmouth, he held his *direct course* to Senegal; and his brother's letter, of the 30th May, 1806, contains as follows—" I would most gladly have sent you a *chart* of your voyage *from* " *the Canaries* TO SENEGAL, but it is not to be " procured for any money." Here are not any *written instructions* amongst the papers, for the captain to be regulated by, nor letters of introduction to any house at Senegal, or elsewhere. Thence, from the comparative ignorance of the master, it is more than possible, *it is very probable*, that he was actually consigned to some person at Senegal, who was empowered by the principals, whoever they are, to furnish him

with *a return cargo* of *gum*. In both of the journals kept by the master it is written, "on, "or about the 8th August, at Senegal, that the "*Ablader** came on board, and ordered the cap-"tain to prepare to receive the *gum* on board." And what goes much further towards proving this to have *really* been the case, is the assertion of the master to his freighter, George Simon Dede, in a letter from Penzance, dated 18th October, 1806, in which he writes—"Captain Kehlner and Mr. "Schuler TELL ME, I have *no occasion* to write "about matters here, as *they* have communi-"cated to you every thing necessary to be "known about the state of your affairs at "Senegal." This is certainly a *strong fact*, and utterly inconsistent with the character of *merchant* and *supercargo*, bestowed upon the master in the papers.

"THE CORRESPONDENT LIST.

"The Correspondent List contains the names

* *Lader or Deliverer.*

of *seventy-nine* merchants, inhabiting the various cities of Europe, America, &c. Of this number *one*, and *one* only, is a *Danish* house, at a Danish port; 15 are *English*, 8 *American*, and 42 *French* or *Spanish!* If any inference can be drawn from that, it would not be favourable to the *neutral character* of the vessel as a *Dane*; the correspondents at Marseilles are Detlef Dede and Co.

" SECRET INSTRUCTIONS.

" Mr. George Simon Dede, in his letter of the 30th May, 1806, to the master, then at Tonningen, informs him he is desirous of *speaking to him*, concerning his *ulterior voyage* *, and requests him to travel per post waggon, so as to be at Voskaat by a certain day, there to meet Mr. Christian Detlef Dede, who wishes also to see the captain, and *speak with him*. The captain went accordingly; and in his account of expences, written with a pencil, he mentions

* The charter-party was dated May the 16th.

returning from the *Dedes*, and spells the name with *two ees*, as it stands in the List, "*Deede.*" Now, should this Christian *Detlef Dede*, who *met* the captain with Mr. Simon Dede, prove to be the *Detlef Deede* of Marseilles, then the whole mystery will be unravelled, and the French interest in this concern fully made out. Again, Jan Smit mentions to Regner Tonnis Smit, in his letter of the 30th May, that his employers had engaged a *supercargo*, who was going a journey with Mr. George Simon Dede; this supercargo no where appears. In support of *private instructions* having been given, the master's copy-book may be invoked, in which, on or about the 18th October, from Falmouth he writes to Gotfrey Feifs and Co. that both the brothers had given him VERBAL ORDERS to run into the ELBE *if it should be free!* Which orders certainly are in *direct opposition* to all the documents of the ship and cargo.

"THE RETURN CARGO.

"The master states, in *all* his letters to his

owners, that he could get nothing but gum for his cargo, and *only* 60,000 pounds, and 275 dollars in cash. The same declaration he has made publicly; yet, in his accounts with *Mr. Duriceau*, of *Senegal*, he admits to have received from that gentleman 103,000 pounds of net gum, out of which, *for want of cash*, he paid his expences. How he paid for the additional 43,000 does not any where appear; but his manifest and bill of lading mention 95,000 pounds of gum BOUGHT IN*, and SHIPPED *by himself*, and to be delivered to his *own order* at Tonningen, on account and *risque* of *Mr. Dede* of Altona!

" Now this manifest and invoice is utterly at variance with all his other letters and memorandums. In a leaf of his pocket-book, where entries of the gum are made, stands as follows, 7th or 8th page; viz:—

* See Mr. Brown's Letters to the King's Proctor, in this Case, dated 18th and 21st March, 1807.

" *8th August. Received net weight*

32,236 lb.

27,762

59,998

35,002

95,000 pounds net weight.

" Now it appears that the *two* first quantities come within *two* pounds of 60,000 weight; while the remaining 35,002 is entered *alone,* nor would any thing have been known of Mr. Duriceau, but for the discovery of the papers, &c. found by the prize-master, in pursuance of orders *to search.* There is also a letter in French, written, as the master declares, by the brother-in-law of Duriceau at Senegal, which is well worthy of attention, from the ambiguous nature of its contents, and the *fear he feels* of speaking of his *occupations.* That letter was *not sealed,* but it was also *not signed,* nor any place of abode added to the superscription. The remarks might be carried much further, but time does not permit. They

arise *out of the papers themselves*, and I doubt not but the most serious attention will be paid to this case, notwithstanding the *extreme haste* of the claimant's agents, to *get her restored!*

"I have the honour to be,

&c. &c. &c.

"*At Wm. Hockin's, Esq.*
"DARTMOUTH. (Signed) "J. BROWN."

"CHARLES BISHOP, ESQ.

"SIR, "*Dartmouth, Feb.* 21*st*, 1807.

"SILENUS, SMIT.

"AS I have reason to expect that this case will speedily come to a hearing, I take the liberty once more to address you thereon. The present disposition of the Court, which is any thing rather than *lenient* towards captors, induces me again to state the principal points of a case, which, *at any other time*, I should have esteemed as *very* favourable to the captors.

"NATIONAL CHARACTER OF THE MASTER.

" The master is a Dutchman, and has not the least right to be considered as any thing else.

" The document, No. 20, is the attestation that R. T. Smit, *on the 25th April*, 1799, *became* a *Danish subject*.

" This paper was most evidently *ante-dated*. It was printed since the year 1800, for the *printed* figures 18 are yet legible, though written through. They are most visible on the reverse side. If in England a person attempted to prove that a letter or document was written in the early part of 1799, and the *water-mark* should indicate that the *paper itself was not made till after the* year 1800, it would certainly invalidate the credibility of the witness.

" Smit's Citizenship is exactly a case in point. The attestation, dated the 25th April, 1799, declares that R. T. Smit *has become* a Danish subject, &c. but the *printed date* proves that *at that time*, the paper itself was certainly not printed, perhaps not manufactured!

"The 27th Interrogatory applies to this point. The master must have been conscious that the *attestation* of *citizenship* was a *colourable* and *ante-dated* paper; yet he *swears* it was *true*, *fair*, and *genuine*. The first interrogatory applies to his residence; his residence was in Holland at the time of capture; there his wife and family resided; and yet *he swears* that they resided at Altona!

"In 1801 he was first mate of the Resolution, Wildeboor master, under the Dutch flag, captured on her voyage from Surinam to Rotterdam, sent into Plymouth, and condemned. R. T. Smit was sent on board the Salvador-del-Mundo, as a *Dutchman*; he got out as *Dane!* But every man the least conversant with the Maritime Laws of Holland, knows that in *time of peace*, no man but a *Hollander* is allowed to visit their colonies in a *Dutch ship*, either in the capacity of *master* or *mate!*

"I next trace this Dane to the Potsdam, a Prussian ship, of 800 tons, of which he was *first mate*, in the year 1804.

" By the *Prussian* maritime laws, before a mariner is allowed to sail from a *Prussian* port as *master* or *first mate*, he is obliged to assume the appearance at least of a *Prussian* subject, and produce a *real* or *simulated* burger-brief, or attestation, to prove that he is a *Prussian* subject!

" The letters from his brother, particularly that dated June the 6th, give the strongest indications that his wife returned to Holland, when he sat off for Tonningen. Not only does the time *exactly* correspond with that required for a person to arrive at Amsterdam, but the letters are sent *off from*, and they arrive *at Altona*, on the precise days of arrival and departure of the *Dutch post*.

" In the letter from his brother Jan Smit, dated 6th June (as above mentioned) the word *Vrow* is erased, and *Broeder* written above. There could be but one reason for it, which must have been the desire to do away the fact of his *wife's residence* in *Holland*.

"BREACH OF BLOCKADE BY EGRESS.

"In the case of the *Vrow Judith, Volkerts* Master, on the 17th June 1799, Sir William Scott made the following observations relative to "*a breach of blockade by Egress*," Vide, Robinson's Reports, Vol. 1. page 152. "*Now* "*with respect to matter of* BLOCKADE, *I must* "*observe that a blockade is just as much* "*violated by a vessel passing outward as inwards.* "*A blockade is a sort of circumvallation round a* "*place, by which all foreign connection and corre*-"*spondence is, as far as human force can effect it,* "*to be entirely cut off. It is intended to suspend* "*the entire commerce of that place, and a neutral* "*is no more at liberty to assist the traffic of expor*-"*tation than of importation. The utmost that* "*can be allowed to a neutral vessel is, that having* "*already taken a cargo on board, she may be at* "*liberty to retire with it. But it must be con*-"*sidered as a rule which this court means to ap*-

" *ply, that a neutral ship departing, can only*
" *take a cargo bona-fide purchased and delivered**,
" *before the commencement of the blockade; if she*
" *afterwards takes on board a cargo, it is a fraudulent*
" *act, and a violation of the blockade.*"

" The *outward cargo* of the *Silenus*, and of which the *return* cargo is, or is sworn to be, *the proceeds*, certainly comes in every point within the meaning of the foregoing definition of a violation of blockade by egress: her charter-party was dated at Altona the 26th May, 1806. The blockade took place on the 3d April preceding. Permission to withdraw *in ballast* was given by the English Consul on the 23d May. Thus it appears that they did not venture to sign a charter-party until the vessel had got permission to withdraw. She then withdrew to Tonningen, but only *to receive on board* the Cargo then lying either at Altona or Hamburg, but I am most inclined to think the Cargo *lay at* Hamburg. This cargo is then put on board of lighters by Messrs. Dede, and

* Of course delivered on board.

the master of the lighter carries a letter from Messrs. Dede, *to the master* of the Silenus, in which he informs him, that he has sent him such and such articles, and gives him directions about throwing out the ballast, and taking in the goods *immediately from the lighters*, without taking the smallest notice of, or referring the master to *Messrs. Donner and Co. the asserted shippers of the outward cargo.*

"The answer to the 11th and 22d interrogatories should be carefully compared with the translation of the letters from Mr. Dede to the *master*, relative to the taking on board the outward cargo.

"Taking it then for granted, that the blockade was violated by egress, it is next to be considered in how far the return cargo of the Silenus, the proceeds of the outward cargo, is affected thereby.

"The outward cargo consisted of iron, bluebafts, or Bengal cottons, wine, beer, &c. This was exchanged at Senegal for 60,000 or 66,000 pounds of gum. Thus, if the brig and her cargo, of iron, cottons, &c., was liable to con-

demnation for breach of blockade by a *fraudulent egress*, surely the 60,0C0 or 66,000 pounds of gum, and the brig are yet liable to the same penalty. Indeed the Silenus *was captured*, and sent into Falmouth, by the Betsey privateer; but released on account of *its appearing* by the papers delivered, that she had sailed from *Tonningen* bound to the *coast of Africa*. She might not have been released, if it had appeared that her cargo was sent *direct* to her from Altona, and her destination *direct* to the French colony of Senegal.

" Thus, in addition to the violation of the blockade of the Elbe, she sailed with a *colourable destination*. Her charter-party declares she was bound " to the coast of Africa and further," yet her sole and absolute destination was to Senegal! Her sole and absolute duty there was to *bring back* a cargo of gum. The sacks in which the greatest part of that gum now is, were sent out in the same vessel. In case the Elbe should be found shut, the Silenus was to have gone into Tonningen, and the gum was to

have been sent on to Hamburg, though Hamburg should have been found in a state of blockade, in the same way, and by the same means, as the outward cargo was conveyed *from* Hamburg on board the Silenus at Tonningen.

"The copies of the letters found on search, prove that the master received *private instructions* to sail into the Elbe, *if he could.* The destination on the return voyage was just as vague or simulated, as the destination on the outward voyage. The master repeatedly declared, that the only object of going into Tonningen, was to send the cargo on to Hamburg, in case the Elbe should be found *blockaded.*

"The captain's letter, dated 18th October, states in *positive terms*, that he could only get 66,000 pounds of gum for his cargo; and even from that quantity must be deducted a sufficiency to cover his local charges. Yet his *bill of lading* acknowledges to have received 93,000 pounds *neat weight.*

"Not only do the master's letters and books testify this important fact, but he voluntarily

declared the same before witnesses, from whom I could, if necessary, procure affidavits. To whom then belongs the surplus-gum invested in the *Silenus*, to the amount of 35,000 pounds neat weight, *above the whole proceeds of the outward cargo?* Doubtlessly, to some *French merchant* or officer of Senegal. Perhaps to Mons. Duriceau's *brother-in-law*, whose ambiguous letter is calculated to excite so much suspicion.

"The blue bafts, or Bengal cottons, were confessedly the most valuable part of the outward cargo. One-half of the Bengal cottons, according to the declaration of the *first mate*, written in the coarse or ordinary log-book, on Thursday the 7th of August, were *rotted and spoiled*, viz.

"Went ashore to overhaul our cargo, and of "the 21 bales, we found 10 which were fit to "be counted on as merchantable goods; the "others *were decayed, rotten*, and *utterly* "*spoiled*."

"In his account-book, the amount of his outward cargo is estimated at 36,919—8 marks-

banco, of which sum total, 1,244 pieces of blue bafts, in 21 bales, come to 24,880 marks; being something more than two-thirds the whole value of the *invoice.* These eleven bales, containing at least 600 or 650 pieces, are declared by the mate to be *utterly spoilt and unsaleable!* Yet, in the captain's log, only 3000 pounds of gum are allowed to the receiver of the outward cargo for the *ruinous condition* of the eleven bales. The captain's journal says, in terms less strong and candid, but more qualified and guarded, that from No. 12 to 21, the " bales were much " damaged by wet, &c.; and to prevent the " bargain from being *broken off*, he was forced " to allow 3000 pounds gum."

" If the captain procured 65,000 pounds of gum for his invoice of the whole outward cargo, the amount of the Bengal cottons made two-thirds of the value, and more than the *half* of those cottons were, as the mate expresses, " *totally ruined and spoiled*," he ought at least to have allowed 12,000 pounds of gum therefor.

" But the great probability is, that these

accounts are *altogether* false and simulated. The captain appears to have been merely *a machine*, moved about at *Senegal*, by *Messrs. Kehlner* and *Schuler*. For the proof of which, see the *letter-book* of the captain, and the detached copies of his letters, in one of which, dated 18th October, written at *Penzance*, he writes to *George Simon Dede*, the owner of the cargo, that he could obtain *no more* than 60,000 pounds of gum, and 275 Spanish dollars in cash, for his outward cargo; that he had given an invoice or bill of lading to the captain of an *American schooner*; that *Mr. Schuler* and *Captain Kehlner* had desired him *not to write to* Mr. George Simon Dede, about *his affairs in Senegal*, as THEY HAD ALREADY WRITTEN TO HIM EVERY THING NECESSARY FOR HIM TO KNOW.

" This passage sufficiently proves, that Mr Dede is deeply embarked in the Senegal trade; and that by those persons, rather than by the master of the *Silenus*, the sale or disposal of the outward cargo, and the *investment* of the return cargo, was transacted.

" When the French letter, which is not signed, was found in his pocket-book, the master seemed *much agitated*, said it was *unsealed*, it *contained nothing* of importance, and wished to have it back again, as he gave his word to deliver it on his arrival. Afterwards he said it was written by a relation of Duriceau's. I think no one who has leisurely and carefully examined the whole of this case, can feel the least doubt, but that all the gum above 60,000 pounds neat weight was shipped by Duriceau, either on his own account, his relations, or perhaps the governor, or some officer of the garrison. All the fees and custom-house duties are paid to those persons in gum; and no doubt they would prefer to send the gum to Europe by a secure opportunity *on their own account*, than sell it for a trifle in the island.

" If the master was called on to explain the various entries of gum, his additions and subductions, I think he would be utterly confounded by the task.

" Yet, like the needle towards the pole, all his

vibrations tend towards the 60 or 66,000 pounds of gum, received for his outward cargo. For, exclusive of the different letters abovementioned, there is an entry in his pocket-book, on the 7th and 8th pages from the beginning, which proves clearly, that the 60,000 and the 35,000 pounds are *separate* and *distinct* concerns. *Vide* page 7, 8th August:

Received neat

32,236
27,762

59,998
35,002

95,000

Received from

Kehlner	3 br.	(or letters)
Stuurman	1 br.	(ditto)
Schuler	3 br.	(ditto)

"Now, when the master was interrogated at Dartmouth, to know how he had disposed of

those letters, he replied that he had sent them away from Penzance. This I believe you will find confirmed by the contents of the prize-master's affidavits. Perhaps, could those letters have been secured by the captors, every proof needful to establish the above observations might have been found therein.

"In the correspondent list is the name of Detlef Deede and Co. of Marseilles; the journey of the master to Itzehoe, to speak with, and receive instructions from a Mr. Detlef Dede, brother to George Simon Dede, I shall now pass over, having in my former letter sufficiently expatiated thereon.

"In contradiction to the prize-master's affidavit, the master will perhaps declare he did not intend any concealment of material papers. But amongst the papers delivered up, is a list, in the master's own hand-writing, of his papers, amongst which this list is marked No. 1; and No. 7 is the order of release for the *Silenus*, after having been detained at Falmouth in June 1806, on her outward voyage. This

paper permits her to proceed to the coast of Africa; but not a word is mentioned of Senegal, her actual and sole place of destination.

"To return to the certificate of neutral property attested by Messrs. Donner and Co. Here is proof positive that 35 tons of Swedish iron never passed through their hands, were not shipped by them; and the letter mentions that the rest of the cargo was to be sent in the same way. That document is thus *completely falsified*, and the whole concern is but a web of fraud, and woven with no uncommon skill. I shall here cease my remarks, with observing, that if this property be restored, *I shall almost despair* of ever meeting with a case where condemnation is to be expected. And if, contrary to every reasonable hope, she should be restored, and the whole of the captor's expences not allowed, I have to request, on the part of the captors, that an appeal be lodged against such sentence.

"I am, &c.

(Signed) "J. BROWN."

"SILENUS.—SMIT, MASTER.

"CHARLES BISHOP, ESQ.

"SIR, "*Dartmouth*, 17*th March*, 1807.

"THE master of the Silenus told me last night, and the Danish consul confirmed his assertions this morning, that he, the master, in the further proofs advanced in this case, had sworn, and I believe the *whole of his people also*, that *he took* the surplus gum, exceeding the quantity for which he sold his cargo, *from out of another vessel* belonging to Dede, then lying in the river Senegal!

"If you please to refer to the 6th page of the master's account book, you will perceive that the master gives credit to *Duriceau*, and to no other person, for 103,000 pounds net weight of gum, according as the entry specifies, to an *agreement* made on the first of August; and then, by various disbursements, he reduces that quantity to 95,000, for which he signs a bill of

lading (this document asserts that the master *bought* the whole of the cargo himself) which is placed amongst the papers given up on demand; whilst every paper which *contradicted* this false statement was *found by search*, after the vessel's arrival in this harbour. By this entry in his books, the surplus gum is stated in common with the whole cargo, to have been received of Duriceau, agreeably to *contract*, in barter, for the outward cargo; but certain letters, found also by search, prove that he could only procure 65,000 pounds for the whole, which, after disbursements, left only 60,000, and the 35,000 surplus gum was received at Senegal on freight.

"If you please to refer to the translation of Jan Smit's letter to the master of the Silenus, (his brother) dated June 2d, 1806, you will find the following sentence:—

"I believe, with you, that if God grants you "a prosperous issue to this voyage, that you "will get into a path which will lead to for-"tune." Thence the master would naturally,

by every practicable means, endeavour to extricate the property, which is certainly French property; but if, after a regular entry made at Senegal, in his own book of accounts, he enters it to *Duriceau's* credit, and afterwards, *in direct opposition to his former oaths*, and *his own hand writing*, he is to be believed that he received it from Kehlner—it will be useless for *captors* to look for condemnation, except in captures made under the *enemy's flag*.

" The chief employment of the Dedes, in foreign commerce, is in the favoured traffic of neutralizing. I could produce a clerk, from Hamburg, of unimpeachable credit, who, if he pleased, could prove, that such is the reputation of the Dedes at Altona;—that their employers are mostly French; and that he took to them a bill of sale himself, of a vessel for *Dede* to neutralize, and that but a few months since.

" Upon the most serious deliberation, after the most mature examinations of this case, I am so thoroughly convinced of the justice of the captor's pretentions, that I request an appeal

may be lodged, in the event of restitution of the whole property of the *Silenus* and her *cargo*.

" As soon as it is determined whether Admiral Montagu is at liberty to control his cruizers, and obligate them to send their detained vessels to Spithead, or not, I shall put in my security as agent, either for Portsmouth or Dartmouth, accordingly as that decision may happen to be.

(Signed) J. BROWN."



SILENUS, SMIT.

" CHARLES BISHOP, ESQ,

" SIR, " *Plymouth*, 18*th March*, 1807.

" CONFIRMING my letter of last night, from Dartmouth, I have to remark, that not a word is mentioned in any letter or paper given up to the prize-master, at the time of the capture, or afterwards found on search, relative to any gum having been taken out of Kehlner's brig. What answer did the master give to the

interrogatory, "where, when, and how" did he get the gum on board? The man who interpreted was Peters, and the master got on shore, and was seen with Peters previous to examinations.

"There was, no doubt, plenty of gum to be got at Senegal on freight. The master, when speaking of the *Freundschaft*, Kehlner's brig, and the mate also, frequently called her a Dutch brig! I had so strong an opinion that the cargo was French property, from the way in which Kehlner is mentioned in the master's letters, that I gave directions to several cruizers to send her in, if they fell in with her on her passage home. *Smit* enters into his account books any little money concerns which passed between Kehlner and him at Senegal, yet not one word is mentioned about the gum. In one letter, written from Penzance, Smit writes to his owners, that both Kehlner and Schuler desired him not to write to Dede, about his affairs in Senegal, as they had done it. Why did they do it? Because, no doubt, they thought they

could conceal the French interest more dexterously than Smit could; but not a word is said of his having taken 35,000 pounds of gum from out of Kehlner's vessel. In this case, I think the captors have a right to look for condemnation.

(Signed) "J. BROWN."



SILENUS.

"SIR, "*Doctors' Commons*, 18*th March*, 1807.

"On the other side hereof I send you a copy of the King's Advocate's opinion, upon the further proofs of the ship and cargo; and I request to receive the captor's directions.

"I am,

"Sir,

"Your most humble servant,

"*John Brown, Esq.* (Signed) "CHAS. BISHOP."
"DARTMOUTH.

(Copy.)

SILENUS, SMIT.

HIS MAJESTY'S ADVOCATE'S OPINION.

" I am of opinion that the *further proofs* cannot be objected to *with success*, except so far as respects one moiety of the ship, stated now to belong to one *Jarvis*, of which still further proof may be required; but I think it would be more for the interest of the captors to consent to restitution, *upon payment of their expences*.

" J. NICHOLL."



SILENUS, SMIT.

" CHARLES BISHOP, ESQ.

" SIR, " *Plymouth*, 21*st March*, 1807.

" I DULY received your favour of the 18th, and have perused the opinion of the King's Advocate. Not having had any opportunity of seeing the master's depositions, nor the proofs

adduced by the claimants, I have nothing to guide my judgment, but the papers delivered to the captors on seizing the Silenus, and those afterwards found on search; and the most rigorous investigation I could effect of those papers makes me believe it a simulated case; in which belief every subsequent circumstance has confirmed me.

"Sir John Nicholl observes he has read the proof, and sees no hopes of *contesting them with success.* The archives of our Admiralty Court groan beneath the ponderous weight of the prodigious and innumerable volumes of elaborate *perjury*, brought in to sustain the fraudulent claims of sordid and perfidious neutrals. And I think I might safely aver that of all the desperate attempts a neutralizer ever made to rescue the property of our enemies from condemnation, that none can be found to surpass in impudence the proofs adduced in the case of the Silenus.

"In his own principal account book, the master states that he "received *all the gum*

" from Monsieur Duriceau !" Every document relative to the gum sustains that entry. The master's log-book does the same; there is not any where, any paper which I have read, which relates to his having taken gum from Kehlner, and if the master's oral evidence is to be admitted in direct contradiction to the evidence of his own ledger, and that too, found upon search, I think our concession-loving-ministry had much better have thrown down all the barriers which oppose the frauds of neutrals at once, and declare that free ships make free goods, than suffer his majesty's faithful mariners to be so tantalized! for if the gum shipped by Duriceau above the proceeds of the outward cargo, be not French property, then never was French property covered by a prostituted flag or perjured neutral! The whole case is one tissue of fraud from beginning to end, and till my statement of the cargo be contradicted, and I find that the master does not pretend that he took the surplus gum from Kehlner, or any one but Duriceau, I will not give consent to restore on

any conditions short of a fair compensation for the surplus-gum; and even on that condition, with the guilt of a direct breach of blockade on their shoulders, and a colourable destination, they might think themselves handsomely treated."

"I believe Jarvis is an American who used to trade to Bengal: he married Miss Dede."

(Signed) "J. BROWN."



"RESTORATION OF THE WHOLE CARGO!

"*Doctors' Commons, 23d April,* 1807.

"SIR,

"SILENUS, SMIT MASTER.

"THIS cause yesterday came before the court, when the same was very fully and ably argued by the King's advocate and Dr. Lawrence, on behalf of the captors, and the judge *restored* the cargo, subject to the payment of

the proportion of the expences, but ordered still further proof to be made of the property of the ship, there being no attestation from Mr. Jarvis, one of the owners. I inclose you the copy of a note I have received from the claimant's proctors, to which I request your reply, unless you should think it more for the interest of the captors to *wave* the still further proofs of the ship, and consent to restitution thereof, upon payment of the *whole* expences, which his Majesty's advocate and Dr. Lawrence are of opinion it will be.

" I am, Sir,

" Your obedient humble servant,

" *John Brown, Esq.* (Signed) " C. BISHOP."
" DARTMOUTH.



" SILENUS.—SMIT.

" Messrs. Townley and Son present their compliments to Mr. Bishop, and acquaint him

that it is intended to sell the cargo in London, and they request his consent to a commission of removal of the ship issuing; observing that the claimants are ready to insure 1200 *l.* as the full value of the ship, and to deposit the policies in the registry."

"*Doctors' Commons*,
"*22d April*, 1807."



"CHARLES BISHOP, ESQ.

"SIR, "*Weymouth*, 28*th April.*

"CONSIDERING it to be useless as well as oppressive to persist in this cause on the ground of an *informality* or *error* in the proceedings of the claimants or owners, I accede to the full restitution of ship and cargo, on payment of all the expences actually incurred by the captors.

"I am, Sir, &c. &c.

(Signed) "J. BROWN."

SILENUS, SMIT MASTER.

" *Doctors' Commons, 30th April*, 1807.

"SIR,

" I have to acknowledge the receipt of your favour respecting this ship, and I request you will immediately furnish me with the account of the captor's expences, in order to enable me to settle this case finally with the claimant's proctor.

" I am,

" Sir,

" Your obedient humble Servant,

(Signed) " W. ROTHERY,

" For King's Proctor."

" *John Brown, Esq.*

" WEYMOUTH.

JUDICIOUS APPLICATION
OF
HIS MAJESTY'S ROYAL LICENCES.

BUONAPARTE declared England to be in a state of blockade. Nothing but a naval power adequate to the end in view was wanting to carry it into complete execution. The public were led by the daily prints to hope that ministers were about to put forth the strength of the kingdom, and by cutting off the coasting and colonial trade of France, to avenge the multiplied wrongs which she had endured from the scandalous violation of maritime neutrality. But when the "*order in council*" of the 9th January appeared, the nation turned from the thing with disgust; it was a mouse brought forth by a mountain in labour! Few officers could understand it; and some mistakes, which Mr. B. rectified, were committed through misconstruction, which might have subjected the

parties erring to very serious consequences. Just as dark and obscurely worded was the "order in council" for the blockade of the whole line of coast from the Elbe to Brest. It was that bullying, contemptible, and empty order, which furnished Buonaparte with an *apology* for his modest decree of general blockade. We blockaded a line of coast more than a thousand miles long; but we left open *every port* to *neutral vessels* carrying *neutral property* as were open *before* it passed; the Ems, the Weser, and the Elbe excepted!

The Borse von Lubeck, Rohde master, was probably the *first* capture made by any of His Majesty's fleet, under the order in council of January 9, 1807.

Lieutenant Codd, commander of His Majesty's gun-brig Liberty, captured on the 15th Jan. off Berry Head, the above vessel. She was bound to Lubeck, and sailed from Plymouth for that port, after the blockade of Lubeck to vessels coming from an enemy's port was publicly known. Her original port of departure was

Bourdeaux; her cargo white wines and brandy. She was detained by one of Mr. Teed's privateers on her voyage to Lubeck, on suspicion of being French property, and restored by the Court, subject to the Captor's expences. This very restoration, subjected as it was to the whole of the expences, was proof decisive that the Court did not deem the case a fair one. After her restitution, she lay a considerable time in Plymouth harbour. Nor did she sail till two days after the arrival of the Royal Gazette at Plymouth, containing the order in council of the 9th preceding.

It is certain that she was not warned against proceeding to Lubeck before she sailed, farther than by a knowledge of the order in council. She was sent to Dartmouth, and consigned to Mr. Brown as agent for the captor. He stated the case to the King's Proctor. The King's Proctor laid the case before the King's Advocate. The King's Advocate gave an opinion, that she did not come within the meaning of the order in council; but that Mr. Brown should

endorse her papers, and direct the vessel *not to proceed to Lubeck*. This was done; the papers returned, and expences paid. The next day, or the day after, Messrs. Arthur Holdsworth and Co. sent a letter to the agent, inclosing a licence under the King's sign manual, directing that the Borse Von Lubec should be permitted to proceed to *Lubeck!* which city was at that time the *head-quarters* of the *French hospital!* This licence was granted in direct violation of the order in council, which professed to have for its object to make reprisals on the enemy! Messrs. Holdsworth requested Mr. Brown to cancel his endorsement, which was subsequent to the date of the licence. This was refused, on the ground that it could not possibly be the intention of His Majesty's government to supply the wants of the French army, that they might be the sooner able to take the field, and give battle to our august allies! Lieutenant Codd came into port at the crisis, and he endorsed the ship's papers anew, *warning* the master to discontinue his voyage to Lubeck; but away she sailed with

a King's licence to protect her, either to Lubeck, or perhaps directly up the Vistula to Thorn! When the master found he really was to have a licence, he could not conceal his amazement. "*You Englishmen do any thing for money,*" said he, "*you be worse den de Dutch, who at the Siége of Bergen op den Zoom, sold the powder and the ball to the besieger!*" Language like this, and even more degrading to the dignity of our government, were the remarks this man of Lubeck made, on such an application of a *Royal Licence!* Neither arms, clothing, ammunition, nor any articles whatever, could have been sent to Buonaparte's army in Poland, half so acceptable as this 250 tons of white wine and brandy! Thinking the administration would pay some attention to a subject so important to our allies, Mr. Brown stated the case to Lord Howick: but, with that administration, concession to neutrals of every class was the order of the day.

"There is something so base and sordid, so stupid and selfish, in the sale of licences to car-

ry on the trade of *the enemy*, that it should be made penal to apply a licence to any other object than the supply of this country with articles of necessity, which could not otherwise be procured; and then the utmost care should be taken that the ship and crew be really neutral; for in nine cases out of ten, where licences are *sold* to the *Dutch* and *French agents*, the ship belongs to the enemy, as well as the cargo! The revenue raised by the sale of His Majesty's sign manual must be enormous! But, did the ministers hear the infamous expressions made use of by the foreign masters of vessels, most of whom are in the interest of the enemy—expressions so contemptuous towards our sovereign, whom they dare to asperse, as deriving profit for his royal signature, the torrent would surely be reduced within more moderate bounds! Who is it that enjoys the profits of the sale of licences? It must be a charming commerce! but certainly, the gold, in too many instances, comes from a most dishonourable source. It is, however, quite in character with those sordid souls

who insure *enemy's property* under a fictitious warrantry of neutrality; and in case of capture by British cruizers, *contend* in the admiralty-court, not merely *to rob* the captors of their prize, but to plunge them in ruinous costs and damages, for having *dared to molest* their unnatural and treasonable traffic! The more effectually to elucidate the case of the Borse Von Lubeck, the agent will give the whole correspondence, as it took place. Perhaps a hundred cargoes more were sent off in the same magnanimous way, to aid our enemy in the hour of peril!—Can any one wonder why the Russians did not expel the French from Poland?



NO. I.

"SIR, *H. M. Brig Liberty, at sea,* 15*th Jan.* 1807.

"I HAVE this day detained the brig De Borse, from Bourdeaux to Lubeck, laden with wine and brandy; Berry-Head, N. E. by N., 5

leagues; which I have sent for your inspection, with all the papers.

"I am, Sir,

"Your most obedient humble servant,

"— *Brown, Esq.* (Signed) "JOHN CODD."
"DARTMOUTH.

MR. BROWN TO LORD VISCOUNT HOWICK.

"MY LORD, "*Dartmouth, 19th Jan.* 1807.

"LIEUTENANT CODD, commander of H. M. Brig Liberty, has detained and sent into this port the Borse Von Lubeck, bound from Bourdeaux to Lubeck, laden with a cargo consisting of white wine and some brandy.

"She was detained in November, by a privateer of Plymouth, on suspicion of being French property, but was restored by the Court, on payment of the captor's expences.

"Lieutenant Codd sent her in, on account of

her destination, and the recent order of council, within the meaning of which that officer thought she came.

"If I detain her with a restitution on board, without any fresh evidence to offer, to prove her enemy's property, the captors will be liable to costs, damages, and demurrage. If I release her, not any *British cruizer*, according to the letter of the Order in Council, can legally detain her *again*, except she be taken in the *very act of entering the port of Lubeck*, or of some other such port! Thus, my Lord, a cargo, at this juncture, far more desirable to the enemy than a *cargo* of *arms* or *ammunition*, must be permitted to sail to the very mouths of the *hostile ports*, before the capture can become legal, and *when* she arrives there, it is ten thousand to one if there be any cruizers to make prize of her!

"In this predicament, to save the captors from expences, I have, with all respect, presumed to apply to your Lordship for directions how to proceed. I am, &c. &c.

(Signed) "J. BROWN."

EXTRACT FROM A LETTER TO MR. BISHOP.

BORSE VON LUBECK, ROHDE.

' *Dartmouth, 22d January*, 1807.

" LIEUTENANT CODD, of the Liberty G. B. sent her in, on account of the blockade of Lubeck. On Monday morning the 12th instant, the copy of the Order in Council in the Gazette, appeared in Plymouth. On *Tuesday* the captain acknowledges to have heard of it, and says he applied to his agents for advice, who advised him to proceed to Lubeck. On *Wednesday* he sailed, and was sent in, because he did sail for Lubeck, the blockade being known. The agents for the claimants imagine that his last port of departure being Plymouth, that his French outset is done away. I think directly the reverse, and that the high prices such a cargo is likely to bring at Lubeck, is the cause why he put to sea for Lubeck, after he had heard of the blockade. His log-book bears testimony of the cause of his detention being the blockade of Lubeck, and he does not deny the

knowledge of the blockade, but says he was told it did not apply to his case.

"I am, Sir, &c. &c.

"J. BROWN."

"BORSE VON LUBECK, ROHDE.

"SIR, *Doctors' Commons, 24th January,* 1807.

"I DULY received your favour of yesterday's date, respecting the above vessel, and on the other side send you a copy of the King's Advocate's opinion, together with an account of the expence on obtaining the same.

"I am, Sir,

"Your very obedient servant,

"W. ROTHERY,"

"*John Brown, Esq.* "for King's Proctor."

(Copy.)

BORSE VON LUBECK, ROHDE.

HIS MAJESTY'S ADVOCATE'S OPINION.

"THE master having come into a British port, previous to the Order in Council, and having received no direct warning to discontinue his voyage, might so naturally suppose that he did not come within the prohibition, that I have no doubt the court would not proceed to a condemnation.

"I advise, therefore, that the vessel be released, but that a *warning* be written on one or more of the *principal* papers, directing the vessel to *discontinue* her voyage to Lubeck, and *not to proceed to any port belonging to France or her allies*, or so far under their controul as that British vessels may not truly trade thereat.

"J. NICHOLL.

"*January 24th*, 1807."

" SIR, " *26th January*, 1807.

" I HAVE this day received an answer from the King's Proctor, with the opinion of Sir John Nicholl, on the case of the Borse Von Lubeck, Rhode master. Upon payment of captor's expences, I am ready to give up the papers, and release the said brig.

" Yours, respectfully,

" J. BROWN."

" *Arthur Hunt, Esq.*

" *Consul for the Lubeck Flag at Dartmouth.*



COPY OF HIS MAJESTY'S ROYAL LICENCE.

BORSE VON LUBECK.

" *GEORGE R.*

" GEORGE THE THIRD, by the grace of God, of the united kingdom of Great Britain and Ireland, King, Defender of the Faith, to all Commanders of our ships and privateers, and

all others whom it may concern, greeting. Whereas it has been represented to us, on behalf of Messrs. Heyman and Co. that the Lubeck ship Borse Von Lubeck, Rohde master, bound from Bourdeaux to Lubeck, was detained and sent into the port of Plymouth, and having been restored, proceeded on her voyage; but being again detained, and sent into the port of Dartmouth, has been a second time restored, and now bound on her voyage to Lubeck, the original port of her destination; but that they are apprehensive she may be again molested. We, taking the premises into our royal consideration, are graciously pleased hereby to direct the commanders of all our ships of war and privateers not to interrupt the said vessel, but to suffer her to proceed with her cargo on her voyage from Dartmouth *to Lubeck without molestation.* Given at our court at St. James's, the 26th day of January, 1807, in the forty-seventh year of our reign.

"By His Majesty's command,

(Signed) "SPENCER."

EXTRACT OF A LETTER TO CHARLES BISHOP ESQ.

BORSE VON LUBECK.

" IN this case, agreeably to the advice of His Majesty's Advocate, I endorsed the principal papers, warning the captain to discontinue her voyage to Lubeck, &c. and released ship and cargo. On Saturday evening the claimant's agent sent me a Royal Licence, and the proof of restitution by your court. The licence was dated 26th instant; my indorsement the 27th. I was desired to erase the date, which I refused to do, without an order from the King's Advocate; and Lieutenant Codd happening to be in port, with a captured smuggler, endorsed the said papers anew, and thus that matter rests. I requested in my last, that you would be pleased to forward to me your demand for taking opinion, &c. that I may discharge the same."

BORSE VON LUBECK, ROHDE.

" ARTHUR HUNT, ESQ.

" SIR, " 31st *January*, 1807.

" HAVING acted in strict conformity to the instructions of His Majesty's Advocate, and the order in council, in endorsing the papers as they now are, I cannot think of making any erasement, but by order of the same authority by virtue of which I made the endorsement in question; and pardon me for adding, that I firmly believe that the royal licence has been obtained through *unfair* representations of the cause of her second detention. Lieutenant Codd being now in port, has countersigned the endorsement.

" I am, Sir,

" With due respect,

" Your very humble servant,

(Signed) " J. BROWN."

AMERICAN TREATY.

IT is generally understood that the American government refused to ratify the treaty formed under the auspices of Lord Howick, on account of some disputed points relative to the *impressing* of *American* seamen by British cruizers. The author of "*War in Disguise**" is of opinion, that most of the seamen impressed by British cruizers, from out of American ships, are British subjects *neutralised* by American citizens. Perhaps America is less to blame for the immense loss which England annually sustains of the youth and flower of her seamen, than is generally supposed. At all events, the following observations on "*Forged-American-Ship-Papers*" may throw new light on that delicate subject, and if properly attended to by those in power, instead of widening the breach by idle recrimination, may soften asperities on both sides, and point out the mode to prevent such complaints for the future.

American ship's papers have been forged in

* 1st Edit. pages 118 and 119.

London, Dartmouth, Dublin, Waterford, and Guernsey. At this time it is supposed that the principal manufactory is at *Guernsey*. From thence the ships of Holland and France are supplied with those pernicious documents, as well as the ships belonging to a few dashing merchants, and the smugglers of our own country. Many of the Dutch West-Indiamen, belonging to Rotterdam, are covered by such papers, and carry on their trade as Americans. The Merchants of Bourdeaux do the same, and plenty of Americans are to be found to take the command, who, by marriage or connection, are become inhabitants of the countries to which the ships belong.

By the smuggling act of 1805, the *limits* were extended to 100 leagues, for the seizure of spirits in small casks. What was the subterfuge of the smugglers? They sent out their ventures in *whole pipes* or *pieces*, as it came from Holland, or France. They then cleared out *foreign*, either to *Lisbon* or *North Bergen*; and, under the pretext of want of water, or provisions, or repairs, they are at liberty to run into

port, or to come to anchor wherever they pleased. They purchase for this profitable trade, old prize vessels, of considerable stowage, and small value. They next, by the aid of a set of *American* forged papers, assume the *American flag*. These papers are so well forged, that it is alone by contrasting them with *genuine* papers, that the imposition can be discovered. With the more material documents, bearing imitations of the great-seal of America, and the signature of the president, there are given a number of *blank-certificates*, for the neutralization of the seamen: these bear an imitation of the seal and signature of the collector or officers of the American ports, whose duty it is to grant such vouchers to the sailors of America, and the names, &c. are filled up as the purchaser pleases. In smuggling voyages they seldom employ the same crew more than once or twice, for fear of detection; thus, as many seamen become lost to this country, as they neutralize. The first wish of a sailor is to be protected against the impress. With a *certificate* of American citizenship, he

becomes protected. It may be asked, *do not* the American consuls *know* the *forged* from the *real* documents? I should suppose they *may*—but it would be a stretch of generosity scarcely to be expected from them to counteract ourselves, and save our seamen in despite of our own delinquency. When the sailor presents his certificate for inspection, and demands a passport or further protection; to the few common place questions which are put to him, he has his answers ready prepared. By these, and similar means, thousands of our best seamen are annually lost to this country. The very high wages, which the flourishing state of American commerce obliges the ship-owners to pay, operates as another thing to entice our seamen to their service, and, perhaps it would not be going too far, to aver, that of the *able seamen*, employed in the *foreign* commerce of America, *one-half* are *British subjects*.

Though the language is the same in America as in England, there is a certain something in the voice, gesture, and features of an American,

which, to a discriminating mind, verifies more forcibly for his national character, than a hundred *certificates* armed with wax, and formal signature could do. Many of our naval officers, from a long habit of boarding American vessels, acquire that discriminating power; and from off an American deck, sometimes bear away one or more *neutralized* English subjects. It is also possible that other officers may fancy that they possess the discriminating power, and do actually impress *American* seamen. Now, admitting that our officers never did impress any but *British* subjects, yet, as those men have documents to produce, to prove that they *are Americans*, and as the *seamen themselves* would in nine cases out of ten, *swear* any thing in support of their assumed character, the chance is greatly against the officer who impresses, in being able to justify his conduct to the world. Sometimes it happens that relatives, friends, or acquaintance on board the impressing cruizer, recognize the quondam Briton, who, detected past the possibility of denial, declares that he procured *in*

America those false papers, upon which he first launched himself upon the sea as an American. The reason of this is quite obvious: he is told by the smugglers, or others who furnish him with his first *forged certificate,* that he is himself liable to a heavy punishment if it be detected that he attempted to screen himself by a forged document. Hence, in all cases, true or false, the detected persons always lay the crime of their neutralization to the door of the Americans.

The writer is by no means prepared to deny that the Americans are not guilty of the practices imputed to them. All he insists on is, that it is infinitely more wicked in *Englishmen* than in Americans, and he firmly believes, that *more seamen* are lost by the application of *forged certificates at home,* than by all the arts practised by all the Americans.

In whatever point of view the consequences of these crimes are beheld, it presents an alarming aspect. In the first place, the very act of boarding a neutral ship and taking away the people, disguise it how you may, is an act of

warfare. And however clear it may be to an *Englishman* that the impressing officer was right in his selection; yet, from the great advantages which result to the Americans from the evidence of the man impressed, his documents, &c. such acts are beheld by neutral nations, as acts of *tyranny.* The French, who never neglect any opportunity of attainting the character of England, publish distorted representations in the American papers, and inflame almost to madness the passions of that people. Unfortunately there is in America a *French faction* who, fanning the embers of discontent into a flame, hear with raptures of every event of this nature, and though perfectly satisfied of the falsehood of such assertions, they hold us up to execration as the *cowardly oppressors* of an unarmed nation, as the unprincipled tyrants of the sea.

Of all the neutral nations which have ports and commerce, the great majority of their masters, mates, and mariners, are more or less unfriendly towards Great Britain. Perhaps the

grand source of that enmity exists in *their fear* of being detected in their *illicit* commerce with the enemies of England. Smugglers think it scarcely *a crime* to shoot a revenue officer. Yet the officer is employed in an honourable duty, the smuggler in the perpetration of a crime. Thus it is with neutrals and our cruizers; and the consequence is a general, and increasing animosity toward the British flag: but of all nations, the most violent in their declamation are the *Americans*. Perhaps the reason is, that they sin against us most. The *neutralised* British seaman, ambitious to imitate, and to sooth and gain the confidence of his commanding officers, seizes every occasion to vilify his native country. Is the vessel boarded by a British cruizer, perhaps he weakly thinks he can *bully* through it. Hence, the most insolent of the seamen is frequently found to be the disguised Englishman. The officers detect him, and take him away. But the master and people declare, that he was impressed from motives of revenge, because *he dared* to declaim

against British despotism, and not that they suspected him to be a British subject. Thus in every point of view, England is the *suffering nation*, whilst the *neutral world* affect to believe us in the exercitation of unwarrantable sovereignty on the seas, which they anxiously look forward to see brought down.

The price of a *complete set* of *American papers* at Guernsey, is about *five pounds*. *Certificates* for seamen can be purchased for half-a-crown or five shillings each. In one case which occurred where the writer had the *forged document* in his own hands, the owners were directed to make up a simulated journal from America to Naples, and Naples to Guernsey. Vessels so covered have traded to *America* itself, taking the precaution to avoid the port to which the vessel is pretended to belong.

The class of people who make greatest use of these forged papers, are the smuggling merchants. A man whom avarice can lead so far as to fit out *armed smugglers* to give battle to His Majesty's revenue vessels, is capable of any

piratical acts. They send their vessels under the *American flag* to the ports of Holland, France, or Spain; and is it too much to say that so they can but get money they would undertake any thing? Nothing would be found too desperate for their consciences, if the gain be found in proportion to the risk.

America is every hour increasing in injury and ill-will towards England. The more England concedes, the more she may. To be *respected*, it is not enough that a nation be *just*—she must be *firm* and *resolute*. Mr. Jefferson would not have shewn *so much of the hero*, if our late ministers had not displayed *too little* of it. The writer gives them full credit for the purity of their intentions; but most assuredly their *conciliatory* measures would have produced effects exactly the reverse of what they hoped for and expected.

The *impressing* of *American* seamen seems now to be the bone of contention. The American has no right to *decoy* our seamen by *stratagem* into their service; we have none to *seize by force*

the sailors of America. The foregoing facts, which the writer can prove to be such, exonerate in a great degree from blame, both the British officers who impress, and the Americans who complain.

This country makes too free with neutral rights, and not free enough with neutral frauds. It is devoutly to be wished that this subject should be investigated before a Committee of the House of Commons. By thoroughly understanding the nature of the disease, an adequate remedy might be found. Any measure short of that will only add fuel to the flame. The writer knows that American forged papers have been seized by His Majesty's cruizers*, and sent to the Admiralty or Doctors' Commons. No notice was, however, taken of the fact; nor will any thing short of parliamentary investigation be of the least service. The writer dismisses the important subject with again observing, that *more seamen* are lost to England by the *forgery of American papers* at home, than what are *decoyed* into the *American service* in *America.*

* In British vessels.

REFLECTIONS ON THE TREATMENT OF NEUTRALS BY PRIVATEERS.

AS the majority of the masters of foreign ships are but pseudo neutrals—either "*enemies in disguise,*" or enemies from the nature of their traffic, they naturally express anger at the exposal of their misdeeds. Not so with the really neutral masters, ship-owners, and merchants. Those men are empoverished by the arts and abuses which enrich the neutralizer. Can any one doubt but freights would have been twice as high under the Prussian flag, had it not been so grossly prostituted? It is a positive fact, that when the French government laid an embargo on the ships of Prussia, Paapenburg, Kniphuysen, &c. that a deputation was sent to Paris from the merchants of Holland and France, proving that *nine-tenths* of those ships and cargoes were the *bona-fide* property of merchants of France and Holland. And the memorial on the part of the Dutch was seconded by all the influence of

the King of Holland. Would not the French and Dutch merchants have been necessitated to have *freighted* Prussian or other neutral vessels, if the Prussian court had not suffered its flag to have been so scandalously abused by sordid and immoral traders? The fact is that the owners of Prussian shipping were almost ruined by the neutralizers, whose daily perjuries were so numerous and horrid, that it was of itself enough to draw down the heaviest vengeance of an offended deity.

While the baleful influence of that nefarious traffic met the Prussian ship owners in every part of Europe, what was its effect upon the ocean? Upon an average there were *ten* neutralized to *one* real Prussian. Thence the cruizers and privateers seized all without distinction, and as the author has fully demonstrated in a former work, the neutral was more likely to suffer than the neutralized.

For as long as our High Court of Admiralty holds it a fundamental rule, that the *oath* of the witnesses, and the *form* of the papers, shall be

sufficient to establish their legality, all moral distinction between simulated and genuine papers is done away. The guilty and the innocent are put on an equal footing. The *enemy* laughed at us for treating him as a friend—the *neutral* execrated us for treating him as an enemy.

In the exercise of the right of detaining neutrals, great irregularities have been committed; not by his Majesty's ships or vessels, but by private ships of war, and particularly those belonging to Plymouth and its vicinity.

Yet even of the Plymouth privateer-owners, there are some which should not be included in this censure. Those who know the different classes of owners, will at once be able to discriminate. There are several persons of fair and honourable repute, who fit out privateers, and the writer never heard of any complaints against them. Like master like man: the character of owners and agents is a correct index of the conduct of the commander.

In many instances the owners of those pri-

vateers gave orders to the commanders to send in any neutrals they fell in with, with the design of extorting a sum of money from each by way of ransom, for liberty to proceed upon their voyage. The ransom was greater or less, according to circumstances. By these *piratical* exploits, the clamours of neutrals of all nations were excited against His Majesty's flag, and so far was this practice carried in the years 1805 and 1806, that certain privateers, which never got a single ship or bale of goods condemned as prize, paid off all the expences of their outfit, and made very considerable gain by *ransom*, even to the amount of several thousands. And the venom of these misdeeds fell chiefly upon vessels *really* neutral; for if any flaw, however trivial, appeared on their papers and documents; if the least glimpse of suspicion could be fastened on the case, the agents or owners of the capturing privateer always took examinations, and proceeded against the property, under expectation of *a condemnation*, or at least to obtain an order

to *land* or *sell* the cargo, which in many cases they could make almost as advantageous to them as a condemnation. It is true that the neutral masters knew they might get the liberation of their ships by a process in the Admiralty Court; but all neutrals are infinitely more afraid of contending with the proctors for privateers than the proctor for the man of war. The agent for the privateer is generally the principal owner: he employs such proctors as he pleases, and of course always selects the man on whose talents and integrity he has the most perfect reliance. Not so with the commanders, officers and crews of His Majesty's ships of war. With or against their will, they are *compelled* to resort to one proctor, who is called the *King's Proctor.* On this man the hopes and fortunes of the captors entirely depend. Though he were ever so negligent, there is no redress to be hoped for, and the agents are not always faithful to their principals. From these united evils is not the chance of justice to His Majesty's cruizers much diminished?

At least these are the causes *why* neutrals had so much rather be captured by King's ships, than *privateers* *.

From this cause, the masters of neutrals detained by *privateers*, fearful of the proctor discovering some informality in his papers; fearful of a ruinous delay, of a loss of a market, or of favourable [illegible] to give the agent a ransom [illegible] one or two hundred pounds, and go at once to sea, than to lay idle in port, and trust their fate to the glorious uncertainty of the law; *no where* so uncertain as in Doctors' Commons!

INJUSTICE TOWARDS NEUTRALS.

WITH the most perfect conviction of the neutrality of many ships and cargoes, which the privateers detain, the owners and agents fre-

* The hardship of this monopoly to the navy is *extremely great;* its *impolicy* is not less striking;—and if any other *naval abuses* are to be investigated in the House of Commons, besides those imputed to Earl St. Vincent, the exercise of this oppressive privilege is one of the first magnitude, and should be most rigorously scrutinized.

quently prosecute their claims merely to have the *cargoes* taken out—when, by the fabrication of the most extortionate and monstrous charges for warehouse-rent, labour, expences, &c. frequently *five times more* than is really paid, they contrive to be gainers in several hundreds, be the sentence of the court what it may. If they be condemned in costs, they *directly appeal*, and the neutral owners, sooner than pay a heavy premium for bail, were always glad to pay the whole expences of the capture, than wait the protracted decision of the appellate jurisdiction.

When neutrals are boarded at sea by His Majesty's cruizers, or by privateers, and the ship's papers are taken away, it is seldom indeed that any receipt or acknowledgment is given for them. With the commanders of King's ships, it is omitted from not giving a thought to the impropriety of the omission; with some privateers it is the offspring of *design*. Suppose, for instance, that a prize-master, seizing in a hurry the papers of a neutral, should be villain enough

to burn or destroy a *material* document, the master might not be able to prove the fact, and the safety of the property might be endangered. It is very generally reported at Plymouth, that a certain *sanctified* privateersman has been guilty of this, and even more iniquitous transactions!

Would it not be an act of justice towards all neutral nations, to oblige, indiscriminately, the officers of His Majesty's navy, and the commanders of private ships of war, to mark and number every document, letter, or paper taken away; and to describe, in one or two words, its nature, or description, as, Register, No. 1. Muster Roll, No. 2? This should be done in the presence of the master, mate, or supercargo; and one copy should be left on board, and another be sent to the agent with the papers.

And, in all cases where papers are sent, without being marked or numbered, but merely sealed up, to the agent, that agent ought not to open the same, but in presence of the actuary, or some notary-public, who should mark every

paper, and bear witness that no other papers than those he marked were delivered up by the prize-master.

No one who has not been abroad, can believe how bitterly this country is declaimed against, on account of the abuses, which, through a long lapse of ages and absence of all reform, have crept into every department connected with prize-causes.

Owing to Admiral Montagu, on the 19th January, 1807, having blockaded the ports of *Dartmouth* and *Torbay* against the entrance of His Majesty's cruizers under his command, the *Dapper* gun-brig sent into Plymouth, consigned to Mr. Brown, as agent, the *Clyde*, an American ship, laden with Dutch and French colonial products, and bound to Amsterdam. Amongst the letters found on board this vessel, were discovered some official dispatches from *M. Evertz*, the naval-commandant at Curacoa, to the Government at the Hague. They were inclosed in an *envelope*, and addressed to a merchant.

Owing to the *blockade* of Dartmouth, the agent was obliged to leave her in the hands of his *substitute* at Plymouth. There was nearly a bushel of letters from China, the East and West Indies, and America, mostly addressed to persons in Holland. After examining the ship's documents, Mr. Brown gave orders she should proceed, on payment of her port-charges. Some delay occurred; and on his arrival at Plymouth, fourteen days afterwards, he found the letters and papers in the parlour of his substitute, in a *large open basket*, at the mercy of every servant who might please to have lit the fire with them. Yet there were some bills of exchange of 10,000*l.* each, and in the whole, probably two or three hundred thousand pounds property thus carelessly disposed of. They were neither marked or numbered, or any account taken of them.

Though there was much suspicion attached to part of the cargo, Mr. Brown was glad to get clear of this capture by bearing the captor's expences. The writer believes such to be the line

of conduct adopted by the *bad class of privateers-men*, in every case which drops in their hands. It cries aloud for remedy.

It is also a common manœuvre to demand money for the translation of papers, which cost not a farthing to the agents, not having been translated.

They hire sheds, cellars, and warehouses, and stowing therein the cargoes, that are ordered to be landed, charge such enormous rent, as eats up the property in a year's time, except it consist of articles of great value.

They make *one* ship-keeper look after a whole tier of neutrals, and they charge every ship with a ship-keeper, and sometimes, in their accounts, double the price of the *wages*.

They have boarded neutrals in the *harbour*, and then demanded twenty or thirty pounds for *their trouble* in returning their papers.

It is useless to go further. Here is sufficient matter of fact to justify a parliamentary investigation, if any member can be found honest

enough to bring the question forward on the broad basis of the public good. And too much is already exposed, if no such independent legislator can be found to move for investigation of these abuses.

REFLECTIONS.

THE DANGER OF THE NAVAL MAGAZINES, FROM THE RESORT OF DETAINED NEUTRALS AT PLYMOUTH.

AS long as the merchants and inhabitants of neutral countries disgrace themselves by following the infamous profession of neutralising, they will ever be found most inveterate towards that country, by whose cruizers their speculations are most annoyed. That country is ours. Against its prosperity, the morning prayers and the evening vespers of the neutral mariner are impiously addressed to his creator. Individuals, and whole nations are alike apt to indulge in

the greatest and most invincible hatred towards that individual or that nation, which has been the victim of his or their crimes. Yet should Providence, in his wrath towards a guilty world, decree the fall of the British empire, what would be the result towards those nations so loud in their clamours against our sovereignty of the seas? Do they suppose that Buonaparte would *respect* their spurious and polluted documents? Would it be sufficient in his admiralty-court, that a master-mariner, black as night with endless perjuries, should swear that *spurious* papers were *true* and *genuine* ones? Would he, by such base engrafting of perjury on deception, restore the captured vessels and cargoes? Would he suffer *his* judges to declare, that although a neutral merchant was guilty of perjury in *ten claims*, it should not prevent his being heard in the eleventh? Would he shut out and exclude all manner of evidence, but what could be derived from the spurious papers themselves, purposely manufactured to answer the ends of fraud?

The neutrals, in their unprincipled animosity towards our flag, resemble certain fanatics in Friesland, of whom it is said, that refusing to contribute towards the repair of a dyke, they involved themselves in litigation with the Dyk-Graaf, whose prerogative it was to levy the needful contributions. Meanwhile a heavy flood arose, and surmounting the dilapidated dyke, totally swept away the discontented boors, their families and lands!

Such would be to neutral nations the *effect* of the annihilation of the navy of England. It is the last dyke which protects them. The contribution they refuse, or murmur at, is the liberty of search, and right to blockade. If by their folly and their crimes, our navy falls, they are lost. There will be, perhaps for centuries to come, an end of *neutral flags* and *neutral frauds!* The *world* would be Buonaparte's.

It is the hate and enmity of the neutrals which render the strictest precaution needful in the disposal of their ships after they are detained.

Due care, however, should in all cases be taken to diminish as little as possible their personal liberty, convenience, or ease.

Whole fleets of detained neutrals are thoughtlessly and unwarily sent into Plymouth, and deposited in the *Catwater*, sometimes in *Hamoaze.* The masters, mates, supercargoes, are let ashore to go where they please, and to act as they please, even with *more freedom* than they would be allowed in their own ports. They ought to be regarded with scarcely less of suspicion and mistrust than though they were prisoners of war, when deposited in the immediate vicinity of our principal naval depot. But *why* are they there deposited? is the question.

Of European flags, the Danish is now the rallying flag of neutralization; and in proportion as its baleful trade increases, England becomes detested. Nothing can exceed the dark and bitter malice with which most of the Danish masters express their hatred towards England. Those who understand the northern tongues,

hear them openly in the streets of Plymouth, at their quarters, and *even when walking on the fortifications of the citadel,* inveighing against our country, and praying for its subjugation.

Many persons imagine that this hostile spirit proceeds from remembrance of the attack made by Lord Nelson on their capital. It may be partly true; but the fact of *three-fourths* of all the *Danish* shipping being engaged in the *carrying trade of our enemies,* and in the *protection* of their property from capture or condemnation, is no less helpful to increase their antipathy and dislike. Many Danish ships, for years in succession during war, never once visit a *Danish port.* They monopolize the coasting trade of France; and what may be termed the coasting trade of France, they carry on almost exclusively the trade between France, Spain, Holland, and Italy. By means of this constant intercourse, they insensibly become enamoured of the people, manners, laws, and domestic habits of France, which they regard as the govern-

ment of Spain, Holland, and Italy. Their attachment to Denmark lessens and declines from day to day. And in the same proportion as their love of country vanishes from the mind, attachment to France takes its place. Should the day ever arrive when the Prince of Denmark finds himself at war with France, he will discover that, although the *number* of Danish ships and seamen is *increased*, their utility and value to their country is *diminished*. Accustomed to a long practice of perjury and fraud, in the protection of the property committed by the merchants of France to their care, and to the sweets of the wages so dishonourably earned, they would directly turn that hatred towards their own Sovereign for putting an end to their lucrative traffic, which they now utter against England. The *loyalty* of their *hearts* towards their Sovereign, laws, and country, is contaminated. As it *has* been with Prussia, it *may* be with Denmark, and all the important concessions made to France, serve only to pave the way to her becoming a conquest of that military nation.

Thus is England half avenged of those neutral maritime courts, whose glaring *partiality* to France only tends to shake the pillars of their own existence. But surely, in an hour of such unexampled peril, England ought first to secure her own safety, without regard to the good or ill will of a few angry neutrals. This she neglects to do, as long as she suffers *any neutrals* to be sent into her own ports of naval equipment. Excepting the members of the Admiralty courts and agents, few people benefit any thing by detaining neutrals; and rather than incur such alarming hazard, it were far more wisely done to give up the exercise of that barren right altogether. No account is kept of the crews of each ship: no regulations enforced relative to their being obliged to be on board at any certain time. All hours of night or day they may row out into the Sound, or the Hamoaze along the shore of the dock-yard. But it would perhaps be imprudent to say what *they might do*, lest it should be attempted.

It is said in Plymouth there have been at one

time upwards of *two thousand* persons there belonging to detained vessels, and certainly a third part of that number were subjects of countries belonging to France.

Some of the masters and mates, and many of the supercargoes, are men of science, of gentlemanly manners and appearance; well versed in modern languages; they speak English as fluently as their mother-tongue: they have money in abundance: they frequent the inns, news-rooms, balls and private parties: get introduced into the best circles of the place, into the dock-yard, magazines, on board the ships in the bay—*Enfin*, see all, hear all, and no doubt—report all.

You can scarcely move in the streets at Plymouth but there's a foreigner at your heels. It is notorious to any one that knows Plymouth, that to persons who wish to know the *destinations* of ships or fleets when fitting out, that it may be discovered. Provisions, cloathing, medicine, the quantities and kind, point out to a sagacious mind; and certainly of the inhabitants

in general, many are less warmly attached to their king and country than they ought. Perhaps the seditious discourses they are perpetually hearing from the lips of the neutrals, insensibly infect their minds with disloyalty. Many foreigners, attracted by the profits to be derived from transacting business with the masters, supercargoes, &c. of the detained vessels, have flocked thither, increased the number and the danger.

It seems as though Government had *forgotten* that England depends on the *preservation* of her fleets. One base *incendiary* might complete in a few hours that which the force of all our foes might never be able to accomplish by honourable warfare. It is true that no calamity has happened to us; but that is the very reason *why* the evil should be immediately removed. When the blow has been struck, if it succeeds, there may be nothing left to save, and surely *prevention* is ever better than punishment.

When neutrals give intelligence to England, it is often false—sometimes meant to betray.

Such was the case with a neutral spoken by a cruizer off Dieppe. The master said that a privateer lay in the harbour easily to be captured. Some boats were sent in filled with forty brave seamen, headed by officers of ardent courage. They found the privateer, boarded her, and cut her cable. She was full of soldiers, and fully prepared for action. Out of 40 hands, 28 were killed or wounded. Two young and gallant officers were slain; a third, covered with wounds, fell on the deck of the privateer; and thus ended the disastrous enterprize. The treacherous neutral who gave the fatal information *belonged* to *Dieppe*: belonged to the same person as the privateer did; was under the *Prussian* flag, and neutralized in Emden.

But not so is it with the *intelligence* they carry to the French. Towards France the hearts of the neutral masters incline, and England *they hate*. This accounts, without throwing *interest* into the scale, for the deceptions they practise on us, and the zeal and perseverance they manifest for France.

When neutral vessels have discharged their cargoes at Plymouth, the masters provide themselves with newspapers, *Steel's lists*, army-lists, &c., and away they sail *direct* to France. Perhaps in twenty-four hours they arrive at a French port. Would it not be a stroke of *fair policy* to oblige every neutral released to proceed first to some port in the territories whose flag she bears, *before* he enters an hostile port, under penalty of confiscation?

There is no kind of necessity for sending any *detained neutral* to Plymouth. Dartmouth, to the eastward of that port, and Fowey to the westward, each but the sail of an hour or two distant, would receive and harbour in equal security with Plymouth every neutral detained. Of all the harbours in England, one of the most secure and convenient is that of *Dartmouth*. *Fowey* is no less distinguished. In either of those ports secure moorings for the ships, and store-room for the cargoes, is always to be procured. They are equi-distant from Plymouth; and in passing to and from London from Fowey, there would be no necessity whatever to take Plymouth in the

route. The trade of Dartmouth is much fallen off—it is nearly annihilated. The warehouses are lying empty. The labouring poor are in want of employ. Taken abstractedly, it would be an act of humanity in government to order the cruizers to send in the neutrals to Dartmouth, which are captured off the Start. With Fowey the writer is not equally well acquainted, but certain he is, that no kind of hardship or disadvantage whatever could be felt by the neutrals, whilst the source perhaps of endless and irremediable calamity would be dried up and done away.

If the recent decisions of the Admiralty court do not take away all inclination of the commanders of His Majesty's cruizers, and of private ships of war, to detain any neutrals, and a deficiency of warehouse-room should be found at Fowey (for at Dartmouth there is no fear of any want of warehouses) then the Court of Admiralty, when the cargoes are ordered to be delivered, would by application grant an order of removal for Plymouth. But even then, there should be some regulation as to *time*, to be allowed for the delivery, staying beyond

which, a penalty should be levied on the prize agents.

Nor ought any foreigner of any description to be suffered in Plymouth, without an order signed by the secretary of state, and every week, at least, he ought to be called on. Nor would it be amiss, in time of war, that each inn, or lodging-house keeper should be obliged to send in every morning, an account of what foreigners arrive at their houses, with the same elucidations as is customary in fortified places on the continent.

These facts are perhaps deserving of more attention than they will receive. It has been but too often the case, that the most important amendments have been abandoned because the *private interest* of some favoured individual should not be affected. There are in Plymouth a few merchants whose private interest would be affected, should the sending in of neutrals to their port cease to have place. But they could follow them to their place of rendezvous without material inconvenience. Shall our fleets and arsenals

be exposed to the most remote danger of conflagration, rather than incommode, in a trifling degree, the private arrangements of a few prize-agents? For their convenience, must the destination of our fleets, ships, or expeditions be exposed to detection? Attracted by the superior safety and convenience of *Dartmouth*, several privateers have already sent their detained vessels to that port. And, unless the government should fear to offend Admiral Montagu by raising his *blockade* of that invaluable port, they would do well to order the men of war to follow the example.

Once more the writer presumes to observe, that the fact of no misfortune having yet occurred from any of the sources pointed out as sources of danger, is no kind of argument to disprove it never may. What will be our situation, insulated and alone, struggling against the conqueror of Europe, should Buonaparte detach our allies from the war they now are waging? Yet, even then, let England rise like a giant in wrath; let her freely and unshackled employ against the foe the weapons that Pro-

vidence has placed in her grasp—an invincible fleet; an armed and loyal people; and she could shower such visitations on her enemy, as would teach him that this *little spot* was preserved sacred to freedom, when a world fell prostrate at his feet, and wring from his reluctant heart, a firm and honourable peace.

But it is not luke-warm, or imbecile measures will effect it. Would the government adapt its energies to the dangers which menace the empire, the whole people would second their efforts, and the country would be saved.

To the subjects treated of in these pages, the writer invokes the attention of Ministers and Parliament. May they bear in mind the appropriate fable of *Cassandra*, whose warnings were laughed at by the Trojans, till their Illion was in flames.

THE END.

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UPON THE

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ON

MARINE INSURANCE,

&c. &c. &c.

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WITH

A FEW INCIDENTAL REMARKS

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OBSERVATIONS,

&c. &c.

THE Report of the Committee on Marine Insurance, has been followed up with that rapidity which usually marks the conduct of those whose proceedings are quickened by a sense of interest, and which in the present case has scarcely allowed time for deliberate investigation and cool reflection. While the sheets of that Report, and of the voluminous mass of evidence annexed to it, were yet wet from the press, notice was given of a motion for leave to bring a Bill into Parliament, with a view of commencing that revolution in our present system of effecting Marine Insurances, which the Report recommends. In the course of the debate on that motion, the Chancellor of the Exchequer observed, that the Act of the 6th of George the First, appeared to have vested the power of annulling the exclusive privileges of the two

chartered companies in the King, and that therefore he doubted whether, if leave were given to bring in a Bill for that purpose, it could be proceeded upon. On this declaration, the opposition to the motion was withdrawn; and the delay in obtaining legal opinions upon this point, and in adopting the new course of proceedings which those opinions may suggest, will probably give an opportunity, before any final decision can take place, of counteracting the prepossession which the authority of a Report of a Special Committee of the House of Commons may be expected to create, by examining how far the principles laid down in that Report, and the deductions drawn from them, are justly founded.

It would be doing injustice to the Gentleman by whom the Report was framed, not to admit that it has great claims to praise as a very ingenious essay on marine insurance; and if a chapter upon that subject were wanting for a new work upon political economy, by any writer whose opinions coincided with those of the author, he would find it admirably suited to his purpose. But considering it as the Report of a Committee of the House of Commons, it is not entitled to the same commendation. The Committee were directed to enquire into, and report upon, the Act of the 6th of George the First, together with the present state of, and the means of effect-

ing marine insurances in Great Britain; and farther, to report upon the two petitions referred to their consideration. In order to enable them to form their judgment upon these subjects, they examined a great number of witnesses; but instead of taking the evidence of those witnesses as the basis of their Report, and keeping it constantly in view, they frequently lose sight of it altogether, and quit the straight path of practical utility, to wander in the mazes of conjecture and speculation. Nor is this the full extent of the complaint that may be urged against this Report; for it not only decides without evidence, but in many most important points, contrary to evidence; and contrary to the fair and obvious interpretation of the documents referred to the consideration of the Committee.

In the first place this Report assumes, that the intention of the legislature in framing the Act of the 6th of George the First, was to throw the whole insurance business of these kingdoms into the hands of the two chartered companies; and states, that in consequence of the small proportion the insurances effected by them bear to the whole insurance business of the country, the intention of the legislature was wholly disappointed, and that the merchants continue exposed to all the consequences of the insolvency of individual underwriters, from which the Act meant to relieve

them. It appears on the contrary, that though the legislature, under the pressure of a great national calamity which had occasioned the failure of many individuals, established the existing chartered companies; conceiving, to use the language of the Act, that "several merchants and traders "who adventure their estates in ships, goods, and "merchandizes, at sea or going to sea, especially in "remote or hazardous voyages, would think it much "safer to depend on the policies or assurances of "either of those two corporations so to be created "and established, than on the policies or assurances "of private or particular persons;" still they limited the number of those companies, and reserved the right of redeeming their charters at any time, if they proved hurtful and inconvenient to the public: a caution that evidently shewed the distrust the legislature entertained of the utility of such establishments. So far from admitting as a general principle that marine insurances are best done by companies, they express their disapprobation of them in the strongest language; for this very Act declares, "that all joint stock companies manifestly "tend to the common grievance, prejudice, and "inconvenience of many of his Majesty's sub"jects, in their trade and commerce and other "affairs;" describes them by the odious term of "nuisances;" and it is under this Act that all parties concerned in them are subject to prosecution. What the motives of our ancestors were in im-

posing the restrictions contained in this Act, against underwriting in societies or partnerships, the Act itself does not explain; but it may be fairly presumed that this measure was adopted, from a conviction of the greater security which the assured would derive, from their policies of insurance being exempted from the consequences of mercantile speculations, of the ruinous effects of which so many lamentable examples were then before their eyes: a security most effectually provided by the restrictions in question, as the evidence given before this Committee, which will hereafter be adverted to, completely demonstrates. Such a conviction would naturally turn the attention of our ancestors to restrictions against insuring in partnerships, and lead them to confine that branch of business, either to well regulated companies or to individual underwriters, as was done by this Act; which established two companies for this purpose, "with "a competent joint stock to each of them belong-"ing, and under proper conditions, restrictions, "and regulations," leaving the increase of individual competition free and unrestrained.

The Report, speaking of the time when the Act of the 6th of George the First was passed, says, "That in those times political economy was imper-"fectly understood." Those times, when referred to on other occasions, are generally spoken of as the good old times; and indeed it was in those times,

or even prior to those times, that the foundations of all our present prosperity were laid: that the navigation laws, to which we owe both our naval and commercial greatness, were enacted; that the revolutions to which we owe our liberties were accomplished; and that the British constitution was perfected. For us to decry the knowledge and understanding of our ancestors, is to resemble modern spendthrifts, who ridicule the wise and frugal conduct of their forefathers, to which they owe the goodly inheritance they are wasting. We may indeed have more theoretical and speculative knowledge than our ancestors, but in the useful science of practical legislation, in the art of making a nation great and happy, it will be well if we act up to the bright example they have left us: and this aspersion upon their memory is only hazarded, in order to reconcile us to the great object of this Report, the subversion of that system of marine insurance, which they in their wisdom established.

After this dissertation the Report presents us with estimates of the insured and insurable property of Great Britain. Such estimates are perhaps vague at best; but this is in the highest degree fallacious. The policy duty paid in London alone, for the year 1809, according to the official returns, covers property actually insured to the amount of more than one hundred and forty mil-

tions. The business of the rest of the kingdom is generally considered as equal to at least one fourth of that done in London, and the Honourable Member who moved for leave to bring in the Bill, described some of the out-ports as almost rivalling the metropolis; yet only 22 millions is allowed for the whole of them in this estimate, making the total of property actually insured in Great Britain 162 millions. In calculating the amount of the property that might have been insured, fifty per cent. is added to the amount of the official value, both of the imports and exports, as the criterion of their real value; although Mr. Irwin, inspector-general of imports and exports, in his examination before the Secret Committee of the House of Lords in 1797, declared, "that taking all circumstances "with respect to the rates and values into consideration, he was of opinion that an advance of near "thirty per cent. might be added to the ancient "estimates; and that in stating the general commercial balance of the kingdom, he should adopt "this principle." The value of the British vessels is estimated upon the whole tonnage entered inwards and outwards, as if every ship was insured on each separate voyage out or home; whereas it is well known, and indeed proved by the evidence given before this Committee, that transports, colliers, and coasters, however frequently they may enter inwards and outwards, are generally insured for the whole year on one policy.

East Indiamen are uniformly insured for the double voyage out and home; West Indiamen, and indeed ships employed in every other branch of commerce, are frequently insured in the same manner. This item, therefore, is evidently much overrated. The same observations apply to foreign vessels employed in the commerce of Great Britain, with the farther remark, that it must be presumed many of these vessels are insured in those countries to which they belong, and where their owners reside. In the estimate of the property actually insured, the amount of the coasting trade insured in London, is stated from the official return of the 2*s.* 6*d.* duty, which distinguishes that trade from the foreign trade, at 15,763,600*l.*; the coasting trade of Scotland, at 992,000*l.*; and that of the out-ports of England, at 1,985,800*l.*; making together 18,741,400*l.* But in the estimate of the property that might be insured, the coasting trade is stated at 60,531,622*l.* Such is the different mode of stating the very same item on the different sides of this account— a mode, which if a man were to adopt in private life, he would be considered either as having committed a very great error, or as having attempted a very great imposition. Arithmetic has hitherto had the reputation of being the most certain of all the sciences; but it must resign every pretension to that characteristic, if these contradictory statements can be maintained; and the coasting trade

can be proved at one and the same time, to amount to no more than 18,741,400*l.* and yet to amount to 60,531,622*l.* just as it suits the purpose of the calculator. The same spirit of exaggeration appears in the next item, the value of foreign adventures upon British capital, estimated at 50 millions; for in the present annihilated state of the commerce of Europe, that with this country excepted, and the suspended state of the commerce of the United States of America, sources of insurable property to such an extent, or even to one-fifth part of such an extent, in which British capital can be employed, are not to be found in foreign commerce, throughout the whole surface of the navigable globe.

A reference may be traced, in many passages of this Report, to a pamphlet recently published, and entitled "a Letter to Jasper Vaux, Esq." The letter writer seems to have acted as a sort of pioneer, to have gone before and to have cleared the ground, as it were, for the reporter. He too has given similar estimates; but in stating the annual amount of the policy duty, as varying between 190,000*l.* and 210,000*l.* he has committed too egregious an error for the reporter to copy, while the official return of the amount paid last year in London, having exceeded 330,000*l.* was before him. Instead therefore of ninety-six millions, which the letter writer asserts is the sum

total of property actually insured in Great Britain, he admits it to be 162 millions; but then contrives to swell his calculation of the property that might be insured, so as to keep up precisely the same relative proportion of uninsured property as the letter writer: for as 96 millions insured is to 94 millions uninsured, according to the statement of the letter writer, so is 162 millions insured to 158 millions uninsured, according to the statement of the reporter. This is truly a most wonderful coincidence! These calculators, although they differ nearly 100 millions in their estimates, agree precisely in their result; and both contend that the charters of the two existing companies ought to be abrogated, to make room for the new marine insurance company.

Enough has been said to prove the excessive exaggeration of the estimate of the insurable property in this Report. When it is considered that his Majesty's government never insure, that the East India Company never insure, and that individuals in general remain voluntarily uninsured, for a considerable proportion of the ships, freights, and goods, in which they are interested, it will appear on a just estimate, that all the property meant to be insured, or that can be expected to be insured, is actually insured in Great Britain.

If any confirmation of those positive proofs

which have already been adduced to shew the fallacy of this estimate were necessary, negative proof, equally convincing, still remains; for if this estimate were correct, if property to the amount of one hundred and fifty-eight millions per annum were really left uninsured, for want of means to insure it, would not thousands of witnesses have come forward to establish this fact? Would not the evidence given before the Committee, have abounded with proofs of this alledged deficiency in our present means of effecting marine insurances? with instances of ships being obliged to go out and return home, without the possibility of their cargoes being insured? and of others being lost or captured, under these circumstances, to the ruin of the unfortunate individuals whose property was embarked in them?—Were any such facts brought forward, either by any of the eminent merchants who were members of this Committee, and also subscribers to the intended new marine insurance company, and therefore well disposed to prove such facts had they really existed, or by any other persons? No, not one. On the contrary, after London had been ransacked for evidence, all that could be adduced on this point was as follows. The first witness called, a Gentleman who came over from Hamburgh to this country five or six years ago, declared that he had been unable, through the brokers whom he employed, to insure more than

18,000*l.* on a good ship from Tonningen to London in the month of August last; and that he had found great difficulty in insuring from 20 to 25,000 *l.* on a homeward-bound West Indiaman. In answer to these assertions, a broker produced a policy for 40,000 *l.* on a ship from Tonningen to London, which he had effected at Lloyd's, in less than two hours, and that not in the month of August, but in the very depth of winter, the month of December last; and a number of witnesses declared, that no difficulty could possibly be found in effecting either of the insurances mentioned, by any man of established responsibility and extensive connections among the underwriters at Lloyd's. The second witness, another Hamburgh Gentleman, alledged that he had not been able to complete an insurance of 8000 *l.* on a ship to the Baltic in the month of September last, at the same premium at which it had been begun; but admitted that no additional premium was offered: and premiums upon ships trading to an enemy's port, including the risk of capture and seizure while there, perpetually change with every change of political circumstances. The evidence of this witness, therefore, only proves that some change of this sort had taken place, at least in the estimation of the underwriters, between the time that he began, and that he attempted to complete the insurance in question. The third witness stated, that his house had been able to insure only 148,600*l.* out

of 161,000*l.* on a ship from India to London; but he too acknowledged that no additional premium was offered, and it appeared that the ship was an India built ship, manned with Lascars, which many underwriters refused to write without an advanced premium, on account of that circumstance. These are the only cases brought forward of insurances having been left undone. Indeed to such distress were the petitioners driven for evidence on this point, that they actually called a merchant to complain, not of his being unable to insure, but of the difficulty he had found in insuring 128,000*l.* on two ships engaged in a contraband adventure to the Spanish provinces in South America, which exposed them to confiscation the whole time they were trading there; though the premium he had paid was no more than the current premium given for the same voyage on ships engaged in the legitimate occupation of the South Sea fishery. Complaints were made by some other witnesses of difficulties which they had experienced in effecting insurances at Lloyd's, and their being obliged to complete them at the out-ports, rather than pay a premium which they considered as disproportionate to the risk; but these differences as to the rate of premium, are only such as take place between the parties concerned in bargains of every other description. Many of the witnesses called by the petitioners, whose commercial engagements were of the first magnitude, had not only been able to

effect their insurances at all times, but even without the necessity of ever applying in the whole course of their business to either of the existing chartered companies. Such is the evidence adduced to satisfy Parliament of the inadequacy of our present means of effecting marine insurances, and of the necessity of establishing new companies; and this in opposition to the testimony of men, who have transacted business at Lloyd's on the most extensive scale, and for a great number of years, who not only never received an order for insurance which they were unable to complete at a fair and adequate premium, but declared that our present means of effecting marine insurances are equal to every possible occasion that the increased commerce of the country can require.

The Report then enters upon the consideration of the effect of the exclusive privilege upon marine insurance, and the state of, and means of effecting marine insurances in this country; and commences this branch of the subject with a most extraordinary complaint on the part of the first merchants of the City of London, "that they "do not and cannot attend Lloyd's;" and that therefore the exclusive privilege granted, and the restrictions imposed by the Act of the 6th of George the 1st, operate as a monopoly, not merely to the companies, but to the underwriters at Lloyd's. The first merchants in London are certainly not

prohibited from attending at Lloyd's by any clause in that Act. Those therefore who do not attend, only stay away because they imagine they can employ their time to more advantage in pursuing other avocations; and it would puzzle them to explain how they would have possessed the faculty of earning money in all manner of ways, and in all manner of places, at the same time, if the Act of the 6th of George the First had never been passed. We have heard sometimes of the omnipotence of Parliament, and it seems intended in this case to call that omnipotence into exercise. Parliament, indeed, have not the power to endow these first merchants of the City of London with the gift of ubiquity, in the full sense of the word; but Parliament can endow them with this gift, as far as relates to the particular object they have in view, by granting them an act of incorporation for their intended new marine insurance company, which will enable them to divide amongst themselves the profits of underwriting, without the necessity of giving their personal attendance at Lloyd's.

Perhaps it is under this impression, that the first merchants of the City of London do not and cannot attend Lloyd's, that the letter writer says, " it appears evident to him, from circumstances " he meets with every day, that the underwriters " at Lloyd's have reached their ne plus ultra, as

" to extent, both in their numbers and the quan-
" tity of insurance effected." What these every day circumstances are, as he does not condescend to state, it is impossible to divine. Some every day circumstances, such as the frequent additions made to the rooms, and the recent enlargement of the boxes, in order to provide the necessary accommodation for the increased number of subscribers, might have induced a contrary belief, because they prove that the number of underwriters continues to increase in proportion to the extent of our commerce.

As a plea for not entering into any particular detail of the evidence given on the great point referred to the consideration of the Committee, the present state of, and means of effecting marine insurances in Great Britain, the Report then states, " that it will appear from the evidence, that
" the merchants pretty generally complain of the
" mode of transacting business at Lloyd's, which,
" on the other hand, is as generally defended by
" the underwriters and brokers; and that, without
" pretending positively to decide between such
" contradictory opinions, your Committee, in form-
" ing theirs, think it most prudent to confine
" themselves to obvious deductions from general
" principles, and from such facts as appear well
" established." It certainly was the duty of the Committee to ascertain the truth between these

conflicting testimonies, the great object for which they were appointed, being to report on the state of, and the present means of effecting marine insurances in Great Britain. Obvious deductions might have been drawn from general principles, or from such facts as appear well established, without the appointment of any Select Committee whatever. But the truth is, that much of the evidence given did not suit the purpose of the author of this Report, and therefore he found it convenient to keep it in the back ground; instead of facts, to give opinions; and instead of practical inferences from evidence, what he calls obvious deductions from general principles.

But how is the fact alledged borne out, that the merchants pretty generally complain of the manner of transacting business at Lloyd's? It is complained of by two Hamburgh merchants, and some of the subscribers to the intended new marine insurance company. Reasons may be given, why it is hardly fair to call merchants born and bred in Hamburgh, a city where, according to the testimony of Mr. Angerstein, the art of making averages is carried to greater perfection than in any other place on the known globe, to give evidence against the underwriters. For many years the underderwriters at Lloyd's submitted to pay most enormous averages on goods shipped to Hamburgh and Bremen. Frequently, when goods arrived to a

falling market, certificates were procured that they were all damaged more or less, and according to the courteous phraseology used on those occasions, they were immediately sold at public sale for the benefit of the underwriters, but in point of fact at a loss of 40 or 50 per cent. This practice was carried to such an intolerable height, that at length the underwriters determined to make a stand; and the stand was made against a correspondent of one of the very gentlemen who was called by the members of the intended new marine insurance company, to give evidence before this Committee. A claim was brought forward against the underwriters of nearly 40 per cent. for an average upon sugar; and was supported with all the accustomed documents in due form. On examining the papers, it appeared that the invoice weights of the sugars when shipped here, and the weights when landed abroad, very nearly corresponded; though the survey stated, they had all been damaged by salt water, to the extent of the demand made upon the underwriters. Now it is obvious that water will melt sugar; and these sugars not having been melted, it was equally obvious that they could not have come into contact with salt water, as was pretended. On this ground, the underwriters refused to pay the demand: but the infallibility of the Hans-Town certificates was too valuable to be surrendered to reason and common sense. The law therefore was called in to their aid, and an action

was brought against the underwriters. On the trial, a crowd of witnesses proved, that it was the property of water to melt sugar; that when sugars arrived in this country damaged by salt water, a diminution of weight uniformly took place, in proportion to the extent of the damage sustained; and that frequently the casks were landed entirely empty. After a long trial, both the judge and the jury being of opinion, that positive facts were entitled to more credit than positive oaths, and to borrow an expression from the writer of this Report, drawing "obvious deductions from general "principles," found a verdict for the defendants. This decision created as much consternation among many of the merchants at Hamburgh and Bremen, as ever was occasioned by the approach of a French army to their gates; for they had been in the habit of levying as heavy contributions upon the underwriters at Lloyd's, as were ever imposed upon them by any of Bonaparte's generals.

The foregoing anecdote will explain the soreness with which these Hamburgh Gentlemen give their testimony; a testimony refuted in its most material parts, by Mr. Grill and Mr. Meyer, merchants of the first respectability, and most mature experience; who were carrying on extensive business in London, before these Hamburgh young Gentlemen were born, and who being neither bro-

kers nor underwriters, cannot be supposed to have any undue bias on their minds, in favour of the present system.

When it is considered that the subscribers to this intended new marine insurance company comprize 9-10ths of the commercial interest of the City of London, and that they naturally feel every disposition to promote their own views, by procuring the incorporation for which they have petitioned Parliament, the very lame and defective evidence given in support of their allegations can only be accounted for, by presuming that a conviction was very generally impressed upon their minds that they had no real cause of complaint against the underwriters at Lloyd's. As however the Report asserts, " that it will appear from the evidence that " the merchants pretty generally complain of the " mode of transacting business at Lloyd's;" it is fair to examine how far this assertion is justly founded, and who the parties are by whom such complaints are made.

The first of these complainants, Mr. J. D. Rucker, is a young Gentleman who came over from Hamburgh only 5 or 6 years ago; and who can hardly have had time, therefore, to wear off the rust of his native partialities, much less to have very eminently qualified himself by experience, to sit in judgment upon the established commercial systems of this

country. The second complainant, Mr. F. Molling, jun. is another young Gentleman from Hamburgh, taken into the house of Spitta, Molling, and Co. as a partner, within these few years; and to whom the same observations are applicable. Mr. Simpson is a Gentleman of unquestionable intelligence and respectability; but he merely states the difficulty his house experienced in insuring an India built ship, manned with Lascars, at the same premium as was given on the regular ships in the service of the East India Company: a charge which the underwriters are by no means solicitous to repel, being satisfied to be found guilty of duly appreciating the superiority of British seamen. But not a single complaint against the present system of effecting marine insurances at Lloyd's, is to be found throughout the whole evidence of Mr. Simpson. Mr. Lyndsey is another young Gentleman, who like Mr. Molling, has very recently been taken as a partner into the house of Messrs. Greg and Co. He admits that he never was unable to complete any insurance he received orders to effect, and gives no opinion whatever as to the advantages that would be derived from any change in the present system. Mr. J. Milford is as silent upon this subject as Mr. Lyndsey. He never found any difficulty in effecting insurances, but on one occasion; and that difficulty, though of no common description, he at last surmounted, by actually completing the insurance of his vessels

engaged in a contraband traffic, at as low a premium as if they had been employed in a legal trade. The next witnesses are three clerks, and a junior partner, in three East India houses; not one of whose leading partners thought proper to come forward. Mr. Bridgman says, that the establishment of any new marine insurance companies in Great Britain, would afford no additional facilities to the effecting of India insurances here, unless additional means of communication were also furnished. Mr. Barr always effected all the insurances of the house for which he acted at Lloyd's, without ever applying to the chartered companies already existing. Mr. Lumley gave the same testimony as to the house in which he is a partner, that they "never had occasion to trouble the "public companies;" and Mr. Russell only speaks to a difficulty similar to that stated by Mr. Simpson, of ensuring a ship manned with Lascars without any additional premium; which however was accomplished before the account of her loss arrived. Mr. Williams, an American merchant, was then called, who stated, totidem verbis, in direct contradiction to the evidence afterwards given by Mr. Glennie, "that he never heard the mode of doing "insurance business at Lloyd's had been the sub-"ject of any complaint with the merchants in "America." Mr. Jones, travelling secretary to the Phœnix Fire Office, hazards many opinions; but states few facts from his own knowledge. With all

his partiality to companies, he admits them "to be "a dearer resort for insurances;" and observes that in consequence of their being established in America, private underwriters have nearly disappeared there. This Gentleman, be it known, was the original projector of the intended new marine insurance company. Mr. Forsyth is an underwriter, and a member of the committee of the new marine insurance company, which he "considers "would draw a great deal of business to London." Mr. Inglis states, that in his opinion greater facilities in making marine insurances are wanting; but admits that though his house has occasionally completed insurances at the out-ports, he has never been obliged to leave any insurances undone, for want of means to effect them. The evidence of Mr. Inglis, where he speaks of facts, is certainly entitled to the utmost respect; but his opinions, like those of other men, may be fallible; and while allowed their due weight, can be allowed no more, where they differ from those of other persons of experience and respectability. Mr. Glennie, one of the partners in a very considerable house, trading chiefly to the United States of America, complains very strongly of the present system of effecting marine insurances in this country. Mr. Glennie was one of the witnesses examined at the bar of the House of Commons respecting the orders in council: he then said, that "in ordi-

nary times his house accepted "bills when they received bills of lading;" he now says, that "he "does not permit his correspondents to draw, "unless they give him orders for insurance." The orders in council were then the sole subject of his complaint, and not one word was said about the deficiency in our means of effecting marine insurances, though the subject of insurance formed a very prominent part of his testimony. Now, the deficiency in our means of effecting marine insurances is the sole subject of his complaint, and not one word is said about the orders in council. If the diminution of his American business was owing in part to the defects in our system of effecting marine insurances, why on his former examination was the whole blame thrown on the orders in council? Or has some new light broken in upon his mind, respecting the defects in our present system of effecting marine insurances, since he became a subscriber to this intended new company? Mr. Gillespie, a coal factor, Mr. Wilson and Mr. Cheap, two secretaries to two clubs of ship owners, bring up the rear of the witnesses examined on the part of the petitioners; but confine their testimony solely to the history of these clubs or societies.

On perusing this recital, where is the unanimous voice of the great and respectable body of merchants of which the Report speaks? Every mer-

chant called, who expressed an opinion unfavourable to the present system of effecting marine insurances, with the exception of Mr. J. D. Rucker, has a direct interest in the question, as holding shares in the intended new marine insurance company; and therefore is as much exposed to the suspicion of partiality, as any of the merchants examined who are underwriters or insurance brokers. If the testimony of the one of these classes is set against that of the other, there will remain only Mr. Rucker who complains, against Mr. Grill, Mr. Meyer, and Mr. Idle, who approve. With what justice then can it be asserted in the Report, that it will appear from the evidence the merchants pretty generally "complain of the present system?" when in point of fact the weight of evidence preponderates in favour of the present system, and not in favour of the intended new marine insurance company.

The profits of the insurance brokers are described in the Report as being singularly high; and are mentioned as a proof of the great difficulty and trouble in effecting insurances. Whereas, on the contrary, the remuneration that the brokers receive, is a compensation, not merely for their trouble, but for the risk they run of losses by the insolvency of their principals, and for the heavy advances they are frequently obliged to make in the course of

their business. These facts are fully explained in the evidence, and are essential to an impartial statement; but nevertheless are wholly suppressed by the author of this Report.

Great fault is found with the underwriters, for absenting themselves from Lloyd's in the autumnal months; and as a proof of the consequences of this practice, a statement is given of the sums insured by an underwriter who attended there every month of the last year. This statement shews, that the premiums of the Gentleman in question, during the last five months in the year, amounted to 30,411*l.*; and those during the first seven months to only 15,990*l.*; a plain proof, that when some underwriters are absent, those who remain write the more, and that thus the inconvenience complained of is obviated. He admits, too, that he underwrites on a more extensive scale during the autumnal months, because he conceives that he then does so to the greatest advantage; and thus contradicts, by his practice, the very point he is called upon to establish. It appears that on the approach of winter, contests always take place about the advance of premiums; and the Report should have shewn, that the intended new marine insurance company, or persons who wish to underwrite in partnership, would be more disposed to write winter risks at summer premiums, than individual

underwriters; for unless this can be proved, the grievance complained of would not be remedied by the proposed change of system.

An entire new and pleasant contrivance for remedying this evil, is then suggested, of forming partnerships, for the alternate purposes of underwriting and recreation, so that the firm should at no time be absent from Lloyd's. But unfortunately experience has shewn, that every attempt to unite business and pleasure proves abortive; that underwriting, like other pursuits, is not to be trifled with; and that it must be attended to with regular and unremitting assiduity, to be carried on to any advantage.

In order to shew the necessity of companies, the Report then introduces the history of certain clubs or societies of ship owners, formed for the purpose of insuring each other's vessels. From the evidence of the secretary to one of these establishments, it appears that by selecting the good ships, and rejecting the bad, the society in which he is employed, insured each other last year at an expence of about 5 *l.* 10*s.* per cent.; whereas, if the same insurances had been made at Lloyd's, where the underwriters take the good and bad ships together, they would have cost, if transports 9 *l.*; and if colliers from 18 *l.* to 20 *l.* per cent. From this statement, some idea may be formed of the immense profit that would

be made by this intended new marine insurance company, acting on the same system, and possessing nine-tenths of the whole commercial interest of the City of London. It is proved, by the official return of the policy duty, that property to the amount of 140 millions was insured in London last year. It is given in evidence, as the opinion of witnesses of great experience in the business of underwriting, that out of the nine-tenths of risks to the amount of the 140 millions, of which the subscribers to the new company would, of course, give their own company the preference, they would select 80 millions of good risks, and reject the rest as bad. The premium on 80 millions of property insured, would not amount to less than six millions; and supposing the company, by acting on the same system as the clubs, to realize the same proportion of their premiums, their annual profit would be four millions. This profit would be made at the expence of thousands of individuals, who would either find no means whatever of insuring the risks which had been rejected by the company, or only be able to insure them at an extravagant rate of premium; for the evidence given before the Committee proves, that few, if any underwriters, would remain at Lloyd's, to write the bad risks, if nine-tenths of the good ones were monopolized by this intended new marine insurance company.

The Report then asserts that the defects in the present mode of transacting marine insurances are sufficiently manifest, although no evidence whatever to prove those defects has been adduced. If the statement of the insured and the insurable property, was meant to shew that insurances to a greater amount would be effected, if they could be effected at Lloyd's, the answer is, that the estimate itself is fallacious, and, of course, the inferences drawn from it must be equally so; and farther, that a number of witnesses have deposed, from practical knowledge, that the present means of effecting insurances are equal to every possible occasion. Mr. Forsyth's account of his premiums for the different months of the last year, makes against the argument it was intended to support; and the history of the clubs or societies, only proves the great emoluments which the subscribers to the intended new marine insurance company may promise themselves, if they succeed in obtaining an act of incorporation. Yet these are the only references to the evidence taken before the Committee, hitherto given in the Report; and consequently, the only proofs by which the assertion, that "the defects in the "present mode of transacting marine insurances "are sufficiently manifest," can possibly be supported.

Having, however, thus attempted to establish

the defects in the present system of effecting marine insurances, the writer of the Report proceeds to consider "the importance of a better system to "the commerce and revenue of the empire, and "to the parties concerned." This discussion is introduced by a position which no person will venture to disput, that the best system is that which gives the best security at the cheapest rate; but two others of a more disputable nature immediately follow: that this mode is the enabling merchants to insure each other; and that "the advantage to the merchant from a "cheap rate of good insurance is so great, that "no profit he could make from a participation "of premium in any association he might enter "into for the purpose would over-balance it; and "his interest would therefore lead him to keep "the premium of insurance always as low as pos-"sible."

It must be remembered, that the British merchant insures not so much for himself as for others; and that, therefore, if he becomes an underwriter, his interest will evidently lead him to keep the premium of insurance, not as low, but on the contrary, as high as possible. The truth of this assertion may be proved by example. The regular outward-bound West-Indiamen that sail with convoy, are favourite risks, and therefore are chiefly kept by the merchants themselves. They are

favourite risks because they go out completely fitted, and well manned; being seldom fully laden, they are in good sailing trim, and have the certainty of a fair wind, and fine weather, as soon as they come into the latitude of the trade winds, or for at least two-thirds of the voyage. Ships homeward-bound from the West Indies, on the contrary, are liable to have received injury both from accident and from the climate, which they have very imperfect means of repairing in many of those islands. Their crews are frequently diminished by the impress, by desertion, and by disease. They come home so deeply laden, that they suffer much if they encounter bad weather; and if they separate from their convoy, and fall in with an enemy, they are not in a state either to fight or to run away. The books of every underwriter will shew, that the number of outward-bound West Indiamen he writes, is very trifling compared to the number of those homeward-bound. This certainly arises in part from the cargoes of the former being less valuable than those of the latter, the convoy ships taking out scarcely any thing but plantation stores; the more valuable goods shipped for the merchants being generally sent in running ships, to avoid the delay of waiting for convoy. But it arises also, and in a much greater degree, from the merchants insuring a very large proportion of these risks themselves. If, then, the position advanced in the Report be

just, the premiums on the outward-bound West-Indiamen are always kept as low as possible. But the fact is just the reverse; for the premiums on them are higher in proportion than on other descriptions of risks. They are kept up, at this very moment, to the same rate as is paid on the homeward-bound ships from the Leeward Islands. Nay, more, the very same premium is charged on ships going with convoy, as is paid on ships going without convoy, three guineas per cent.; and it surely will not be contended, that this could be the case, if proper exertions were used to reduce the premium on these risks, by putting them up to fair and open competition at Lloyd's. This example shews what would be the result of the merchants taking the whole insurance business into their own hands; as would be the case, if they were permitted to form themselves into this intended new marine insurance company.

But it may be said that this company would be directed by men of such high respectability and liberal principles, that no considerations of interest could possibly influence their conduct. If, however, we look to the example of other public companies, under the direction of men of equal respectability and liberality in private life, we shall find them in their public character, contracting a certain esprit du corps, and preferring the interest of

the establishments they superintend, either to those of individuals or of the public. Have we already forgotten the complaints so recently made in the House of Commons, of the litigious and rapacious disposition shewn by the directors of the West India and the London Dock Companies? Have we already forgotten the resolution of the House of Commons, that the directors of the West India Dock Company had exceeded the extreme rate of interest allowed them by law? and is it not a notorious fact, that not satisfied with the liberal dividend of 10 per cent. which they may legally divide upon their capital, they have paid the property-tax upon that dividend for many years past, out of a fund appropriated by the legislature to the reduction of the rates on those commodities, which are compulsatively lodged in their warehouses? The pleas urged by the directors for the continuance of this exaction, the great pains they had taken, and the great risk they had ran in the formation of that establishment, would apply just as well in vindication of a high rate of premiums, as of a high rate of charges, on the commodities of their correspondents; and we must trust not so much to the professions of men as to their practices. Have we also forgot that a Bill is now pending in Parliament, in order to remedy the evils that have arisen from the directors of most of the fire-offices in this metropolis having acted on the same principle, of preferring their own inte-

rests to the security of the public, the object for which they were established. Numerous as these offices are, it might have been expected that property of every description could easily be insured against fire, and at a moderate premium. But, on the contrary, almost the whole of these offices for some time past have refused to insure against fire in any foreign country, and even in our own West India colonies. In consequence of this resolution, out of property to the amount of a million of money, that was destroyed the year before last, in the conflagration of Port D'Espagne, the metropolis of Trinidad, not one-tenth part was insured; and this heavy loss fell upon the unfortunate sufferers, or on their correspondents here to whom they were indebted, although the law gave these public companies the exclusive privilege of effecting this description of insurances. In consequence of the remonstrances of the parties concerned, a Bill is now before Parliament, permitting individuals to insure against the risk of fire in the West Indies. All these facts shew the true character of corporate bodies, and demonstrate how little confidence can be placed in their paying a just regard to the interests of the public, when they come in competition with those of their own proprietors.

The advantages to be derived by the subscribers to the intended new company, have been much under-

rated; and some of the parties concerned have given themselves great credit for their disinterestedness and moderation, in limiting the number of shares that can be held by any individual, to five. Five shares, out of five thousand, or one thousandth part of nine-tenths of the underwriting business of this metropolis, is more than the average share that falls to the lot of the individual underwriter, who regularly devotes his time and attention to that pursuit; for the number of underwriters in this metropolis, is estimated at 1500. It farther appears, from the evidence given before the Committee, that each partner in a firm, or each member of a family, may hold five shares; 20 shares being held by the family of a witness who gave this testimony: and the history of the clubs or societies proves, that the system on which the company will have an opportunity of acting, of selecting all the good risks, will enable them to divide infinitely larger profits on the same scale of business, than can possibly be made by any individual underwriter, who necessarily takes the good and bad risks together. Let us hear no more then of the disinterestedness of these Gentlemen; or let them make good their pretensions to that characteristic, by offering to appropriate their surplus profits, after dividing a reasonable interest on their capital, to the relief of the public burthens.

Many of the subscribers, however, who were exa-

mined before the Committee, very candidly renounced all claim to disinterestedness in this undertaking. Some declared that they never considered the probable effects of it at all; and others, that though they disapproved of it, they subscribed as they would have done to a loan, or to any thing else which held out a prospect of advantage. It is much to be apprehended, therefore, that if the position laid down in the Report, "that if such a "system shall be established, it is probable that "the price paid for insurance, will not much exceed the aggregate value of the losses sustained "on each class of risks insured," were taken for gospel, most of the subscribers would withdraw their names, and the intended new company fall to the ground. As soon as the day was fixed for taking this Report into consideration in the House of Commons, the following circular letter was sent to each subscriber:—

PROPOSED MARINE INSURANCE COMPANY.

"Sir,

"I beg leave to inform you that the Report of the Select "Committee upon the subject of Marine Insurance, is to "be taken into consideration by the House of Commons, "upon Thursday the 17th day of May; when, as a shareholder in the proposed marine insurance institution, you "will no doubt use your influence with your friends to "attend. I am, Sir,

"Your most obedient humble servant,

"Alex. Mundell.

"45, Parliament-street, May 10, 1810."

In writing this letter, Mr. Mundell acted without doubt under the orders of the committee who superintend the interests of this intended institution; and in so doing, he calls upon the parties to use their influence with their friends to attend, not as merchants interested in the commercial prosperity of the empire, but as share-holders in the proposed marine institution: pretty plainly designating, that in the opinion of the Committee, this was the most forcible call that could be made upon the exertions of the subscribers, this the chord to which their feelings would vibrate in the most perfect unison.

In the subsequent paragraph the Report asserts the superiority of companies for facility, security, and cheapness; as appearing from the concurring testimony of all the merchants examined. A reference to the evidence will shew that this opinion is not supported by the concurring testimony of all the merchants examined; but on the contrary, is expressedly contradicted by many of them, as well as by the brokers and underwriters.

With respect to the superiority of companies in the facility of doing business, it will hardly be disputed, but that those who actually do it, are better judges than those who merely order it to be done; and the brokers uniformly agree, that though larger sums are taken by companies than by indivi-

dual underwriters, yet that so much time is spent in going about from one company to another, and waiting for the answers of the acting secretaries, who perhaps refer again to the sitting directors, that they dispatch their business with more facility among a large number of underwriters, all assembled in the same room.

This testimony is a complete answer to the allegations in the Report, respecting the inconvenience which arises to the brokers, from the necessity of applying to so many persons, either for signing a policy or settling a loss. A passage towards the conclusion of the Report observes, that "the trouble "of brokers would be much diminished by dealing "with partnerships, which are always at hand, in-"stead of a great number of individuals, frequently "scattered about the country." If those partners transacted their business at home, the same inconvenience would be felt by the brokers in going about to them, that is felt in going about to companies; and if they attended at Lloyd's alternately, things would be precisely in the same state they now are; for the evidence proves, that when any of the leading underwriters are occasionally absent, they are represented by other persons.

With respect to the superiority of companies in point of security, the evidence furnishes the example of Hamburgh; where, out of 36 companies that

existed seven years ago, only five or six now remain. Some of them did indeed pay in full; but the greater number only paid from four to fifteen shillings in the pound. The events that occasioned the ruin of these companies, produced no sensation among the underwriters at Lloyd's, although a very great proportion of the commerce of Hamburgh is at all times insured in London, because the universality of the insurance business guarantees the security of the general underwriter: his premiums on the commerce carrying on to and from every quarter of the globe, enable him to bear the brunt of a disaster that may happen to any particular branch of commerce; but companies or societies on a small scale, generally consist of persons engaged in the same line of business; their underwriting is in consequence principally confined to that particular line of business, and if that receives a shock, they have not the same resources as general underwriters. These observations apply to the companies in India, where 3 out 13, it is stated in the evidence, "have ceased to act," though from what cause is not explained. When, however, the circumstance of their agents in this country having refused to pay losses for them, because they had not funds in hand, is coupled with the great number of captures lately made by the enemy in the Indian seas, the cause of their having ceased to act does not seem very doubtful. It is unnecessary, therefore, to travel out of the re-

cord of the evidence before the Committee, to shew the instability of companies; or the Abbé Morellet's list of 55 joint stock companies, which have been established in Europe since 1600, and have failed, might be appealed to. Dr. Adam Smith indeed says, the Abbé has been misinformed with respect to two or three of them which have not failed; but that in compensation several others have failed, which he has omitted. It is no irrelevant nor unimportant observation on this point, that the failure of a company with whom a large sum is insured, may bring total ruin on the party interested in the property, by whom the failure of a single underwriter on a policy would scarcely be felt.

With respect to the superiority of companies as to cheapness, the evidence proves that premiums are generally lower in Great Britain than in any other part of the world; and this appears to be the natural result of the present system of effecting marine insurances here by individual underwriters: for the extent of competition depends upon the number of competitors. Competition therefore is indisputably increased in proportion as underwriting is carried on by individuals, and diminished in proportion as it is carried on by companies. All the witnesses admit that the two chartered companies charge a higher rate of premium than the underwriters at Lloyd's; and this is a fair criterion to prove the different effects of

the two systems, both being carried on in the same country, and under the same circumstances. Even Mr. Jones, secretary to an insurance company, and who has travelled almost all the world over to enquire into the nature of companies, admits that companies are a dearer resort for insurance; and the letter writer himself admits the fact, of every species of marine risk being assurable at a cheaper rate here than elsewhere. It is proved, too, in evidence, that some risks are now actually insured at Lloyd's, at, and some even under peace premium. This may be produced by competition, but would never be the result of choice, nor happen again if the insurance business were monopolized by a few great companies.

The letter writer states the comparison between corporate bodies and individuals, in precisely the same manner as the writer of the Report; but places both on an equality as to cheapness, and only gives corporate bodies the preference as to facility and security, a distinction in which the Reporter has not followed him. His discussion on these points, is somewhat inconsistent with what is said of England in a former part of his work, that "establishing for the protection and advance-"ment of her early commerce, a variety of corpo-"rate bodies, she encouraged with the gradual "developement of wealth and enterprize, that "progressive display of individual effort, which

" has at length raised her to an eminence unri-" valled in commercial history." This admission oversets the whole theory his book is meant to establish; and after observing " that public bodies " have gradually disappeared whenever the in-" crease of private resources enables individual " members of the community to transact concerns " more advantageously than a company," it is with rather an ill grace, that in this very state of things, he recommends the retrograde movement of establishing a new chartered company here, to supercede the exertions of individuals.

Both the letter writer and the Reporter labour this point, of the superiority of companies over individual underwriters, with more than common care. The latter presses poor Dr. Adam Smith into the service, with the view of supporting this doctrine by his authority; and it is really most unmerciful usage of the poor Doctor, whose work is replete with so much profound knowledge and valuable information, to bring up in judgment against him, one of the very few instances of inadvertence that can be laid to his charge. The Doctor, in enumerating the only trades " which it seems pos-" sible for a joint stock company to carry on with-" out an exclusive privilege," as being those of which all the " operations are capable of being re-" duced to what is called a routine, or to such an " uniformity of method as admits of little or no

" variation," specifies among others, insurance from sea-risk, and capture in time of war. Now unfortunately it does so happen, that scarcely any thing in nature admits of more variation, than the risk of capture in time of war. Every change in the political system of any country, every new decree issued by Buonaparte, or every fresh order to carry any old decree into more rigorous effect, every alteration in the non-intercourse or embargo laws of the United States of America, every change in the destination of the enemy's cruizers, every change in the destination of our own squadrons, every enterprize which either augments or diminishes the number of ports in possession of the enemy, necessarily occasions a variation in the risk of capture in time of war; and some of these vicissitudes are incessantly happening; so that unless Dr. Adam Smith had applied this characteristic of being subject to little or no variation to the wind, he scarcely could have applied it more unluckily than to the risk of capture in time of war: and this the framer of the Report must have well known; but system-mongers sacrifice every consideration, even the characters of their most respected friends, to the hope of establishing their favourite dogmas.

Still labouring to maintain this great point of the superiority of companies, the Report then remarks, " That wherever there are no restric-
" tions, that is every where but in Great Bri-

" tain, insurances are invariably done by com-
" panies;" and reciting the number of those companies in foreign countries, states, " that there " were thirty-six in Hamburgh." Why had not the Reporter the candour to state how many insurance companies there are now at Hamburgh? Because the fact did not suit his purpose. The Hamburgh Gentlemen who were called to give evidence before the Committee, also concealed the circumstance of their number being reduced to five or six. Nay, one of them declared that losses were more easily settled there than here; and that he had never heard any complaints of those companies. Charity would induce a belief, which it is rather difficult to reconcile to probability, that a Gentleman in constant habits of commercial correspondence with that City, knew nothing of those failures, in which commercial men are so peculiarly interested; for it is the bounden duty of a witness to speak not only the truth, but the whole truth.

The following transaction, which came under the cognizance of the writer of these pages, as assignee to the estate of a foreign house in this City, will shew whether losses are more easily settled at Hamburgh than at Lloyd's. A ship was chartered at Hamburgh early in the year 1802, on a voyage to St. Domingo; and in order to guard against the risk of British capture, the insurance

was effected at Hamburgh, partly with the companies there, and partly with individual underwriters. This ship was carried into Jamaica by a British cruizer, and together with her cargo, condemned and sold; but on an appeal, restitution was decreed to the claimants. The property sold to so much disadvantage, and the law charges as well as other charges, were so heavy, that a very large deficit remained to be made good by the assurers. One of the parties interested in this adventure, who was at the head of a mercantile house at Hamburgh, conducted the negociation with them; and so persuaded was he of their cavilling and litigious disposition, that in his very first letter on the subject, dated August 3d, 1802, he writes thus: "We are almost certain that our "assurers will not pay in full; and that we shall "be obliged either to go to law, or settle with "them by compromise." In his next letter he gives the following account of the mode of recovering demands there upon policies of insurance: "By the laws and usages of this City, the ac-"counts must be examined and made up by the "dispacheur public, who when papers get into his "desk, generally keeps them a year before they see "day-light; and therefore we propose having the "account settled by a sworn insurance broker." In December he advised, "that the demand of the "assured, as stated by the sworn insurance broker,

"amounted to 94,800 banco marcs; and that the "assurers, after consulting together, had offered to "pay only one half of the demand, an offer which "he had not thought proper to accept." In February, 1803, he wrote again, "that nothing could be "done till the dispacheur public, who was always "five or six hundred accounts in arrear, had made "up the account; that if the assurers refused to "settle upon his statement, the claim must be re-"ferred to arbitrators; and that if the assurers "again refused to pay upon their award, the next "step was to commence proceedings in a court of "law; an experiment which he by no means re-"commended," thinking, according to the French proverb, that "un mauvais accommodement vaut "mieux qu'un bon procés." Finally, on the 3d of January, 1804, he advised that the dispacheur public had made up the account; and that the assurers had agreed to pay it on being allowed a deduction of about 10 per cent. which he thought it more advisable to make, than to run the risk of litigation, or of further failures by delay. On finally closing the account he remitted 36,293 banco marcs, instead of 66,000, the proportion due to the estate of the house in London; the difference being lost by the insolvency of two of the companies, and some of the underwriters with whom the insurance had been effected. This recital will shew without any comment, how far the claim made for the

Hamburghers, to superiority over the underwriters at Lloyd's, both for facility in settling losses and solidity in paying them, is well founded.

The history of the clubs or societies of ship owners is then again referred to, as an additional proof of the great want of companies for the purpose of effecting marine insurances: but the history of these clubs only shews, that different persons pursue the same end by different means; that those who possess but little influence, as for example the members of these clubs, evade that law which they cannot hope to alter; and that those who possess great influence, as for example, the members of the new marine insurance company, instead of evading, try to alter the law, when prompted by their interest so to do.

It is mentioned as matter of complaint in two different passages of the Report, that the assured are obliged to resort to individual security; and from the speech of Mr. Manning, in the House of Commons, it might have been expected, that the evidence given of the heavy losses sustained by the insolvency of the underwriters at Lloyd's, would have formed the leading ground of the application to Parliament for the establishment of the intended new marine insurance company; for he stated, that on an insurance of 36,000*l.* effected at Lloyd's by a house in this City, there had been defaulters to the

amount of 12,000*l*. No merchant came forward before the Committee to give any evidence respecting this transaction; but the underwriters thought it necessary to state it in their defence, and the history may be found in the evidence of Mr. Throckmorton; shewing, that a merchant in this City, to whom an insolvent broker was largely indebted, gave him insurances to effect at Lloyd's, in order to shift a bad debt off his own shoulders, and throw it on those of the underwriters; that the broker imposed upon the merchant, by putting fictitious names upon his policies, when in fact he was himself the underwriter, and that in this affair, disgraceful indeed to the other parties concerned, the underwriters were intended to be made dupes, but were not accomplices. The evidence given before the Committee places both the solidity and the liberality of the underwriters on very high ground; and it is doing them injustice, not only to suppress all mention of that part of the evidence in the Report, but to complain of the "very great hardships to which the merchants in "this kingdom are exposed, because they can "have no joint security to their insurances."

A fair judgment may be formed of the comparative advantages of individual and joint security, by the following statement. In the course of twenty years' business at Lloyd's, ninety-four mercantile houses have failed in debt to the writer

of these remarks for premiums; and only seven underwriters for losses on policies. The dividends paid by the merchants average between 4*s*. and 5*s*. in the pound; those paid by the underwriters between 13*s*. and 14*s*. If then the system of underwriting in firms had been adopted twenty years ago, his foreign correspondents would have made bad debts with 94 houses, paying dividends of between 4*s*. and 5*s*. instead of having made bad debts with only seven underwriters, paying dividends of between 13*s*. to 14*s*.: and this is the improved security that is offered to the assured, by repealing the restrictions imposed by the Act of the 6th of George the First, against underwriting in partnerships. In the list of these insolvent houses are to be found members of Parliament, directors of the great corporate bodies, and individuals who were known to be possessed of immense property; but speculation is a whirlpool, in which the largest fortunes are soon swallowed up, when once they are drawn within its vortex. Houses of the greatest opulence are the most exposed to its influence, from having the largest capitals at command. Hence it is, that vicissitudes so frequently happen among commercial men of the highest distinction; as those who are nearest the top of the pinnacle, are in the greatest danger of falling. Wisely, therefore, did our ancestors guard the assured against the baneful consequences of mercantile speculation.

By the restrictions against underwriting in partnership, imposed by the Act of the 6th of George the First, and which this Report recommends to remove, the assured are exempted as far as possible from the effects of all mercantile speculations, the account of the underwriter, in case of failure, being kept totally distinct from the concerns of the house in which he is a partner; all demands against him for losses being proved against his separate estate, and all sums due to him for premiums being appropriated to the payment of the debts due by his separate estate; the surplus only being responsible to the creditors of the partnership, after the creditors of the separate estate have been paid in full. The evidence given before the Committee proves, that the separate estate of the underwriter very frequently pays in full, when the joint estate of the partnership pays little or nothing; and a reference to the present mode of carrying on insurance business, will shew that an underwriter, except in case of some very extraordinary misfortune, cannot but have funds sufficient, or nearly sufficient, to pay his losses. An underwriter must pay his losses within a month after they happen, but cannot collect his premiums till after the expiration of the year. He may expect total losses to the amount of 50 per cent. on his premiums; his returns for convoy and averages will be about 40 per cent. more; and then a profit of 10 per cent. will remain, subject to the usual de-

duction of the discounts allowed the brokers, and to bad debts. By the 1st of March in the year following, 4-5ths of his risks of the year preceding will have run off: and consequently 4-5ths of his losses be ascertained. Supposing his premiums to have been 50,000*l.* the amount of the losses for which he will have been called upon, is 20,000*l.* one half of which, or 10,000*l.* he will probably have set off against premiums due to him from the parties claiming them, and the other half he will have paid in cash. This 10,000*l.* in addition to his profits, he will ultimately have to receive from those parties on whose accounts no losses have taken place. The customary period of collecting premiums commences in May, and ends in September; before therefore the balances of the last year can be received, fresh payments must be made in cash for the losses on the underwriting account of the current year; and thus the underwriter, from one year to another, has always a capital advanced, which it is out of his power to dispose of in any possible way. This capital, so locked up, serves as a deposit made for the security of the assured, because it is responsible for none of the engagements of the house in which the underwriter is a partner; and independent of any other property, is generally sufficient to pay the amount of his losses, unless they exceed all reasonable proportion to his premiums. This security was given to the assured by the Act of the

6th of George the First, passed at a period when speculations in the South Sea Company, and many other companies, all bubbles alike, had occasioned failures among mercantile men, altogether unprecedented in the annals of British commerce. If indeed the merchants engaged in the intended new marine insurance company had alledged, that it was unreasonable so much better security should be given by this Act to the holders of policies of insurance, than is given by law to any other description of mercantile creditors, they might with more plausibility have moved for a repeal of the restrictions in question on that ground: but to move for it on the ground they have taken, is to choose the most untenable position that any set of men ever attempted to maintain.

After the writer of the Report has pointed out the necessity of getting rid of the present system of marine insurance, he recommends to Parliament "not to enforce any other system by law; "but, on the contrary, having released this "branch of business from the restraints now "existing, to leave it to shape itself, as it then "infallibly would do, in conformity with the true "interests of the public." This is reviving the Epicurean doctrine of the fortuitous concourse of atoms: on the same principle, the Report might recommend the destruction of this world, and all that therein is, in order to take the chance of a

better world being formed by a fresh jumble. Common sense dictates, that before we destroy existing establishments, we should be sure that we can replace them with better; for it is much more easy to pull down than to build up, and as Dr. Johnson has observed, "the hand that cannot build a hovel, "may demolish a temple." By the laws of society, as well as those of nature, every thing is of progressive growth. Man advances from infancy to youth, and from youth to manhood: the tree is long planted before it brings forth fruit. France indeed attempted to plant her trees of liberty full grown; but they took no root, they afforded no kindly shade, they produced no grateful fruit; they presented to the eye fit emblems of the works of those who planted them—withered sticks painted with a gaudy exterior, and decorated with flaunting ribbons, to hide the rottenness and want of vital sap within. Let us beware how we suffer ourselves to be persuaded to become disciples of this new school; to discard all our reverence for established institutions; to quit the steady light of reason and experience, and follow the ignis fatuus of modern philosophy, that lures to destruction. Not only has the system of marine insurance at Lloyd's kept pace with the increase of our commerce, grown with its growth, and strengthened with its strength; but a system of commercial intelligence has also been established there, by the labour of half a century,

and has at length been brought to a degree of perfection, which renders it of the utmost importance to the mercantile world. This intelligence, though procured at a very heavy expence to the individual underwriters, is gratuitously communicated, both to the existing chartered companies, and to the public. If the insurance business were transferred from Lloyd's to the intended new marine insurance company, the directors of that company could no more supply the same intelligence, than those who transplanted the French trees of liberty, could continue to display them in the same verdant foliage, as adorned them in the place of their native growth, before they had been uprooted and transplanted by the hand of violence.

The Report then pretends that this change of system will be productive of general benefit to all parties concerned. Here the Report and the Evidence are directly at issue; for the underwriters and brokers uniformly state, that nine-tenths of their good business would be taken away from them by the establishment of this new company, and that then the remaining one-tenth would not be worth pursuing. How such an event can be productive of general benefit to their interests, or how this assertion can be reconciled to their declarations, it is not very easy to conceive.

As a final argument, the Report brings forward

the unanimous voice of the great and respectable body of general merchants on this occasion. But, in point of fact, no voice whatever has been heard on this occasion, except the voice of the very merchants who are desirous of engrossing to themselves the profits of the insurance brokers and underwriters; and when men's interests agree, as Puff says in the Critic, " their unanimity is " wonderful."

To accomplish the scheme of this great and respectable body, the Report recommends, that the exclusive privileges "of the two chartered " companies should be repealed; and that it " should be left to the discretion of the petitioners " to bring their respective cases under the consi- " deration of Parliament, by bills for carrying into " effect the prayer of their petitions, if they shall " think proper so to do." Thus no distinct opinion is given on the merits of the petitions which led to the appointment of the Committee; but Parliament having referred them to the Committee, the Committee refer them back again to Parliament. Oh, most lame and impotent conclusion!

The writer of this Report has treated the evidence, which should have formed the basis of his observations, much in the same manner as the Edinburgh Reviewers frequently treat those productions which they profess to review. After giving the title page of the work, and the name

of the author, they present their readers with a very clever Essay upon the same subject as that which the author in question undertakes to discuss; but take no more notice of him, or of his work, than if neither the one nor the other had ever existed. So, in this Report, the evidence is scarcely adverted to, or where occasionally introduced, is misquoted and misrepresented, by partial extracts; for from the beginning to the end, not one syllable is to be found of the testimony of a single witness called on the part of the underwriters or insurance brokers. Instead of inferences drawn from evidence, the author gives what he terms, "obvious "deductions from general principles;" a very pretty phrase indeed, but by no means appropriate to the observations to which it is applied; for many of them, so far from being obvious deductions from general principles, are mere assumptions, without either principle or proof to support them; and consequently, however ingenious, neither convincing nor conclusive.

This Report, in opposition to the sense of the legislature, as declared in repeated Acts of Parliament, in opposition to the dictates of experience, and to every sound principle of political economy, recommends the exploded system of joint stock companies. The true principle respecting the establishment of companies is, that they should only be permitted to do that which cannot be done by individuals. This applies to several cases; such as

wet docks and canals, because these undertakings are beyond the reach of individual capital; to insurances against fire, because an extensive apparatus of engines and firemen is necessary for the public safety, and can only be maintained by companies. But it is not so with marine insurances, for they can be, and indeed are effected, more to the public advantage by individuals, than by companies; and if companies are sanctioned, individual underwriting must cease, as has been proved by the example of all other countries, more particularly by the recent example of America. The slightest consideration of the subject will shew, that this consequence must inevitably ensue; for companies act with the advantage of an overwhelming capital, against which no individual capital can stand in competition; and with the farther advantage of being able to perform that by the labour of a very few individuals, to which, on the other system, every individual concerned must necessarily devote his time and attention. It is just as impossible for individuals to withstand the competition of companies, as for manual labour to withstand that of machinery. The reduction of expence at which business is carried on, is the same in both cases; but with this important difference to the public, that the substitution of machinery for manual labour, lowers the price of every commodity to which it is applied; but the substitution of marine insurance companies for individual underwriters, advances the rate of premiums by dimi-

nishing the number of competitors; and as all charges on commodities are added to their price, this advance falls ultimately upon the consumer.

It is really derogatory to that liberality which ought to characterize the great and opulent body of English merchants, not to be content with their own legitimate and ample emoluments, but to be grasping at those of the underwriters and insurance brokers, whose business they do not understand, and whose duties they never intend to perform. To grant their application, would be to drive the industrious bees from the hive, and give the honey to the drones. Besides, if these over-grown capitalists are permitted to erect themselves into joint stock companies, the example must be acted upon in other cases; all individual enterprise and exertion will be destroyed, and the same consequences will ensue from the same system, as took place in the reign of James the First; when we are told by great historical authority, and find it confirmed by the journals of Parliament, that the trade of these kingdoms fell into great decay, "being "brought into the hands of a few rapacious "engrossers."

The promoters of this intended new marine insurance company have contrived to give popularity to their proceedings, by proposing in the first instance merely to repeal the exclusive privileges granted to the two existing chartered

companies, and the restrictions imposed by the Act of the 6th of George the First. It should however be considered, that the experience of near a century has proved these privileges to be at least harmless in the hands of the chartered companies, on account of the limited extent of commercial influence possessed by their directors and proprietors; and that these privileges serve as a barrier against that formidable intended company, whose immense influence would establish a system of monopoly and combination, instead of the present system of fair and open competition. Before we join any set of men, we should consider the ultimate object they have in view. We ought not to go even to Hounslow, with those who we know mean to lead us on to Windsor; we ought not to engage even in a reform, with those who meditate a revolution.

No necessity for any reform in the present system of marine insurance has been proved by the evidence given before the Committee: on the contrary, it has been shewn that our present means of effecting marine insurances are equal to every possible occasion that the increased commerce of the country can require; and the solidity of the individual underwriters at Lloyd's has been most satisfactorily established. The allegations on which the petitioners rested their case are therefore unfounded, and legislative interference is unnecessary.

The subscribers to the new marine insurance company have mistaken their road: instead of addressing themselves to the House of Commons, they should have addressed themselves to his Majesty; who, if they made out their case, and proved the chartered companies to be hurtful or inconvenient to the public, would, with the advice of his privy council, and the law officers of the crown, determine these corporations by his letters patent, as the Act of the 6th of George the First directs. But the House of Commons would be wanting in due respect to his Majesty, if, after having delegated a power to him, they were to resume and exercise it themselves; and the House is not yet so reformed, (to use an expression quoted in late debate) as "to make the King but as dust in the balance."

This argument appears in itself conclusive against the bill now pending; but other cogent reasons may be given, why it ought not to be entertained. This bill is framed upon the principle repeatedly laid down in the Report of the Committee of Marine Insurance, and expressed in the various phrases, of "unfettering the system "from all restrictions;" "releasing it from the re-"straints now existing;" "leaving it to shape itself, "as it then infallibly would do, in conformity "with the true interests of the public;" and "removing the restraints of law;" or as the Honourable Member who brought in the bill ex-

pressed it in his speech, "throwing the business "entirely open." To adopt the latter metaphor: if this Honorable Gentleman would try the system of throwing things entirely open, upon one of his own estates, he probably would not be so well satisfied with the success of the experiment in agriculture, as again to recommend it in legislation. The cases seem very analogous, for as plausible objections might be urged against fences on an estate, as against the restrictions in the Act of the 6th of George the First. Fences harbour vermin; they occupy ground that might be employed in cultivation; and they obstruct vegetation, by keeping the sun and air from the adjacent land. But would the interests of agriculture, or of the owner, be benefitted by taking them away, and exposing the fields to the inroads of all kinds of animals? The Act of the 6th of George the First, has set up certain fences and restrictions round the system of marine insurance, and the result of throwing it open to all manner of innovations and speculations, as is proposed by the present bill, would be, as in the other case, that all the fair fruits of honest industry and patient labour would be laid waste and destroyed. The exclusive privileges of the chartered companies, and the restrictions against underwriting in partnership, are the great fences against the inroads of mercantile speculations; but by this bill, underwriting in partnership is to be permitted, and instead of two joint stock companies, "with a competent capital

"to each belonging, and under proper conditions, " restrictions, and regulations," as provided by the Act of the 6th of George the First, companies are to be formed, ad libitum, with or without capital, and without any conditions, restrictions, or regulations whatever.

One of the witnesses examined before the Marine Insurance Committee declared, that with the disposition to speculation that now exists, fifty companies would soon be filled up; and his opinion is probably correct. A few men desirous of making their fortunes by one bold stroke, and many such men are certainly to be found, might form themselves into a marine insurance company. By lowering the premiums upon the Baltic risks from 30 to 25 guineas per cent. they might soon insure them to the amount of many millions. If the vessels escaped capture and seizure in the ports of the enemy, their fortunes would be made; or if that event took place, their fortunes would still b made; for instead of paying the losses, they might decamp with the premiums, which the system adopted by companies, of allowing a large discount for prompt payment, would enable them to receive. Then, in a foreign clime, they might enjoy the fruits of their ill-gotten gains; laugh at the unfortunate dupes who had been ruined by their credulity, and thank the legislature, for having opened to them this new road to riches. If this bill were to pass, such impositions would be

perpetually practised, such bubbles would be constantly bursting, and all the evils of the memorable year 1720, against which the Act of the 6th of George the First was intended to guard, would again be renewed.

Admitting, for the sake of argument, that new regulations in the present system of marine insurance were really necessary, and that the establishment of more companies were thought advisable; these companies ought to be so constituted, as to secure the public against monopoly on the one hand, and against imposition on theother. No company possessing within its own members such immense influence as the intended new marine insurance company, ought to be permitted to act in one body; nor any company, without a competent capital invested in government securities, and never to be trenched upon but with the full knowledge of the public, who have a right to require such a deposit as a security for their engagements. These and many other arrangements, requiring grave and mature deliberation, should be introduced into any bill which interferes with the Act of the 6th of George the First, if any such bill were necessary; but a crude, hasty, indigested bill, like the present, founded on those disorganizing principles, laid down in the Report of the Committee for Marine Insurance, ought not, for a moment, to be tolerated. The Report upon which this bill is founded is a reflection upon the

legislature; for, by calling upon them to remove the restraints of law, it implies legislation to be not only useless, but mischievous; by asserting, that this branch of business, if left to shape itself, will infallibly do so in conformity to the true interests of the public, it preaches a doctrine of disorganization and revolution; takes it for granted that a new creation will spring out of chaos, and that order will arise out of confusion. Whether, therefore, the House of Commons consider the respect due to his Majesty, the respect due to themselves, or the duty they owe to the public, they cannot but reject this bill.

The writer of these observations, proposed in the Committee of Marine Insurance, the annexed Report, which has at least the merit of being founded on evidence; and contains, in the margin of each sentence, a reference to the testimonies by which it is supported. He requests it may be carefully compared with the evidence, and doubts not that those who impartially investigate this subject, will agree with him in his conclusion, that the present application to Parliament, however laudable may be the intention of some individuals by whom it is supported, is in its nature and consequences as dangerous and reprehensible, as any application that ever was prompted by private interest, under the pretence of public good.

COPY OF A REPORT

PROPOSED

AS AN AMENDMENT

TO THE

REPORT ADOPTED BY THE COMMITTEE

UPON

MARINE INSURANCE.

REPORT.

The Committee appointed to consider an Act made in the 6th year of King George the First, intituled, "An Act for better securing certain powers and "privileges intended to be granted by his Ma-"jesty, by two charters, for assurance of ships "and merchandizes at sea, and for lending money "upon bottomry, and for restraining certain ex-"travagant and unwarrantable practices therein "mentioned;" and also to consider the state of, and means of effecting marine insurances in Great Britain, and to report the same, with their observations and opinions thereon, from time to time, to the House; and to whom two petitions, one from various merchants and others in the City of Lon-

don, and the other from the Globe Insurance Company, both praying that the parties may be permitted to effect marine insurances as companies, were also referred;—have, pursuant to the Order of the House, examined the matters referred to them, and have agreed upon the following

REPORT.

Your Committee, the better to enable them to form their opinion of the effects of the Act of the 6th of George the First, thought it expedient in the first instance, to enquire into and ascertain the present state of, and means of effecting marine insurances in Great Britain. They therefore commenced their proceedings by hearing evidence on the part of the petitioners; and then proceeded to hear evidence also on the part of the two chartered companies, and the underwriters and insurance brokers at Lloyd's, the parties whose interests would be affected by any alteration in the present mode of effecting marine insurances.

This evidence may be classed under the following distinct heads; the necessity of an enquiry into each of which appears to your Committee to result from the reference under which they act, and the allegations contained in the petitions referred to their consideration.

1. The present means of effecting marine insurances with the two existing chartered companies.

2. The present means of effecting marine insurances with individual underwriters.

3. The causes of the establishment of foreign insurance companies; and the practicability of bringing any part of the marine insurance business now effected abroad, to Great Britain.

4. The expediency of granting the additional incorporations prayed for by the petitioners; or of annulling those already granted, and throwing the marine insurance business entirely open, either to joint stock companies, or partnerships of every description, by repealing the restrictions imposed by the Act of the 6th of George the First.

It appears that the confined scale upon which the existing chartered companies transact the business of marine insurance, is matter of complaint among many merchants, who are disposed to give them a preference to individual underwriters; and that such preference would generally be given them on equal terms, by merchants who are not underwriters; but that those who underwrite themselves effect their policies at Lloyd's, in order that other policies may be offered them in return. The evidence before your Committee proves, that the two chartered companies generally charge a higher rate of premium than is paid at Lloyd's; that they will not admit the same clauses into their policies as are usual at Lloyd's; that they will not insure against capture and seizure in the ports of the enemy; that they frequently refuse what are called cross risks; that they will not write any ships of a description inferior to the first and second classes on Lloyd's books; and that with very few exceptions, they will not write more than from 12,000*l.* to 15,000*l.* on any one merchant ship. It does, however,

appear, that they frequently take much larger sums on policies on ship or ships; on risks to and from China and the East Indies; and on ships of war. The regulations under which they act, necessarily tend to contract their business within a narrow sphere, compared with the whole insurance business of the country; but the effects of them are in some degree counterbalanced, by the confidence placed in their solidity, by their mode of payment when losses happen, and by their allowing greater advantages in the shape of discount, to those who transact business with them, than are allowed by individual underwriters. From these considerations many merchants who are not underwriters give them whatever sums they choose to take on all their risks; others resort to them when they have a larger sum to effect, than they can do with those underwriters to whom they are in the habit of shewing their policies; and they also derive an accession of business, under the operation of their bye-laws, from the mercantile interest of some of their directors and proprietors. The opinion of the narrow scale on which they transact business appears to have become so prevalent, as to have reduced the number of applications made to them, and consequently, the amount of their business, below their own intentions or wishes; for their secretaries state that the companies are very much disposed to extend the scale of their insurances; and the practice so prevalent amongst merchants who are also underwriters, of interchanging their risks with each other for their reciprocal benefit, is assigned as a great cause of the limited proportion, which the business done by those companies bears to the whole insurance business of country. Still they are described by those who have considerable dealings with them as acting with great liberality; as being advantageous and convenient to the

public; and as affording a useful competition with the individual underwriters at Lloyd's.

The consideration of the means of effecting marine insurances at Lloyd's includes various points. The extent to which insurances can be effected; the solidity of the underwriters; the facility of recovering losses; and the rate of premiums.

Some individuals have complained of the impossibility, and others of the difficulty of effecting insurances on certain risks; but all the cases of the former class have been satisfactorily explained; and it has been proved that no such impossibility could exist amongst persons of established solidity, and extensive connexions at Lloyd's, unless in cases where the underwriters consider the premium offered inadequate to the risk: it has been proved that 631,800*l.* was effected at Lloyd's, on specie by the Diana frigate, from Vera Cruz; and that some underwriters had no opportunity of writing a policy even of such magnitude. Attempts were made to shew that during the autumnal months, particular difficulty has been found in effecting insurances, owing to the principal underwriters absenting themselves from Lloyd's at that period; but it was proved that the leading underwriters when absent, left persons to write for them; that some write at that season of the year in preference, conceiving that they are then writing to the most advantage; and that the principal cause of the difficulty alledged, is the contest about the advance of premiums that constantly takes place on the approach of winter. The evidence of the son of one of the masters at Lloyd's shews, that the number of subscribers to that house, has increased since the year 1771, from 79

to between 1400 and 1500; that near 500 underwriters take their seats there every day, and that many stand and write policies for want of greater accommodation. It also appears that many write at the Jamaica, the Jerusalem, and the Coal Exchange Coffee-houses; as well as many others at their own counting-houses. A number of merchants and brokers, in the most extensive line of business, have declared that they were never unable to complete any insurances they received orders to effect; and that they consider the present means of effecting marine insurances, as equal to every possible occasion that the increased commerce of the country can require.

Angerstein.

Angerstein, Reed, Brown, Warren, Idle, Rogers.

The solidity of the underwriters at Lloyd's has been most unquestionably established. One merchant indeed stated, that he only consented to guarantee his underwriters, when required so to do by his correspondents, for fear of losing their business; but could not state the profit and loss on his having so done. Another stated that he always refused to guarantee them, on account of the losses his house had formerly sustained by guaranteeing; but he too, when called upon to produce a statement of those losses, declared that "he had never "looked into it." Statements of the proportion that the losses sustained by the insolvency of underwriters, bear to the amount of the property insured, were afterwards given in by various witnesses; and shewed the following results:—On 8½ millions, too trifling a sum to be worth making a charge of. On 8½ millions, 1107*l.* 19*s.* 1*d.* subject to a further deduction by dividends not yet received. On between six and seven millions, 777*l.* On five millions, 799*l.* from which the dividends are to

Rucker.

Molling.

Simpson.

Angerstein.

Reed.

Halliday.

be deducted. One broker, who did not wish to state the precise amount of his returns, but declared that in the last year he had insured some millions, said that his merchants, during eleven years that he had been in business, had never lost 600*l.* by his underwriters. Another broker never had 300*l.* bad debts in the course of his business. Another on recovering 196,776*l.* had only a bad debt of 36*l.* 17*s.* 3*d.*; and another had recovered 200,000*l.* last January, without a bad debt of a single shilling. A witness who had carried on as extensive commission business as any house in London, declared that the bad debts he had made during twenty-eight years, were not worth mentioning; and that for the last few years he had made none; another, whose insurances exceed 800,000*l.* per annum, stated that his bad debts during twenty-four years, amounted to only 860*l.* Many who had not made any exact calculations represented their losses by insolvency as very trifling. It was proved too that in the course of the last war, the solidity of the underwriters was put to the test by various heavy losses; particularly the capture and condemnation of the Dutch ships, on the breaking out of hostilities between this country and Holland. The capture of the homeward-bound Mediterranean fleet, by the squadron under Admiral Richery. The condemnation of the American vessels by France and Spain, on the plea of their not being navigated with the papers required by treaty. The seizure of the British ships in the ports of Russia, by the late Emperor Paul; which were paid for by the underwriters in the first instance, though from one-half to two-thirds of the property was ultimately repaid them. Three different sweeps of the British vessels trading on the coast of Africa, were also made last war by French squadrons.

Getting.

Nicholson.

Shedden.

Rogers.

Meyer.

Idle.

Lyndsey, Barr, Lumley, Williams, Russell, Brown, Barnes

Angerstein.

Shedden.

Angerstein, Shedden.

Angerstein, Shedden.

None of these events appear to have occasioned any failures worth noticing among the underwriters at Lloyd's.

Rucker, Molling, Jones, Glennie.

Complaints were made by some witnesses of the difficulty of settling and recovering losses and averages at Lloyd's, which they said prevented houses abroad from sending orders for insurance to this country; and one merchant, a foreigner, established in business here within these five or six years, declared that the underwriters at Lloyd's were held in low estimation on the Continent. But other foreign merchants contradicted this assertion. A foreign Consul, who has been in business here more than 40 years, stated that he had never found the underwriters litigious, nor ever had occasion to bring an action against them; that his correspondents were perfectly satisfied with them; that he had never heard they were in low estimation on the Continent, but on the contrary, had no doubt in his mind that an English underwriter stands in very high estimation on the Continent, both in point of honour and character. Another merchant, who for 28 years past has carried on an extensive business in the commission line, chiefly to Germany and Holland, declared that all his insurances had been effected at Lloyd's; that he never found the underwriters litigious, but thought they had always settled their policies in a very honourable way, adding that his correspondents had always been satisfied, and that almost all his business was done for account of foreign houses. Many other witnesses gave testimony to the honour and liberality of the underwriters at Lloyd's, and enumerated various instances of their having settled claims to a very large amount for which they were not legally responsible; as well as of

Rucker.

Grill.

Meyer.

Angerstein, Reed, Shedden, Nicholson, Barnes, Warren.

their having dispensed with the production of those regular documents necessary to establish a loss, which in the present state of Europe, the assured find it very difficult to obtain. Getting.

Several witnesses had transacted extensive business at Lloyd's for many years without a single litigation; and stated that many law suits are occasioned by demands of a fraudulent or suspicious nature; by persons being employed to fill up policies, who have not sufficient skill to define the risks with proper accuracy; or are entered into, in order to settle points of law, which can only be set at rest by the decision of a court of judicature. Particular instances of resistance to fair demands, on the part of some individuals, may undoubtedly occur, but the general conduct of the underwriters at Lloyd's in this respect, does not appear to your Committee to furnish any ground of just censure. Reed, Brown, Halliday, Getting, Grill, Shedden, Nicholson, Barnes, Meyer. Angerstein, Throckmorton. Angerstein, Getting, Barnes Angerstein, Shedden.

It is almost unanimously admitted that the rate of premiums at which marine insurances are effected here, is more moderate than in any other country. One witness indeed assigns the high premiums required here, as one cause of the establishment of insurance companies in America; and states that cross risks or voyages from America, to other parts of the world and back to America, have been effected there at two-thirds, and in some instances at one-half of the premium paid in Great Britain; but that risks to this country cannot be stated at more than one-third less premium, and in many instances nearly the same. Another witness, who is lately returned from a tour through the United States of America, where he was sent with instructions to make particular en- Glennie. Jones.

quiries respecting the marine insurance companies established there, states the rate of premium in America, to
[Jones.]
be generally higher than in this country by one-third on European and East India voyages; and only lower on their coasting and West India voyages, which he says are better known in America, as to the state of the cruizers, and so on, than in this country. With this exception, (or rather contradiction between these two witnesses,) the position before laid down stands uncontra-
[Simpson, Bridgman.]
dicted. The premiums charged by the companies in the East Indies, are stated to be rather higher than here; and no complaint appears to be made by the merchants
[Rucker, Grill, Meyer.]
on the Continent, as to the rate of premium charged by their London correspondents.

The premiums required by the underwriters at Lloyd's,
[Angerstein, Reed, Shedden, Nicholson.]
are generally lower than those required by the chartered companies; for as the business of the broker depends upon his effecting the insurances of the merchant on the
[Throckmorton Nicholson.]
most advantageous terms, he tries among the whole body of underwriters to find those who will begin his policy
[Angerstein, Shedden, Warren.]
at the lowest premium, and the competition among so numerous a class of individuals, reduces premiums to the very lowest rate, at which they can be fairly afforded.
[Nicholson.]
Indeed it is proved that many voyages are now actually insured at, and some even under peace premiums.

[Forsyth, Angerstein, Brown, Getting.]
Some of the underwriters are certainly persons of much less property and respectability than others; but it appears that when those of the former description accept a
[Forsyth, Getting, Shedden, Warren.]
reduced premium, the most respectable underwriters are frequently obliged to follow their example; so that it is impossible to conceive any system better adapted to pro-

mote the general interests of commerce in this respect, than that on which underwriting is now carried on at Lloyd's.

At the commencement of the examinations taken by your Committee, they were led to imagine that a great increase in the number of foreign insurance companies on the Continent of Europe, as well as in the East and West Indies, and the United States of America, had taken place within these few years. The first witness Rucker.
called, stated, that there were from 30 to 35 companies at Hamburgh, the greatest part of which had been established since 1803; but admitted that the proportion of his correspondents who did their insurances abroad was very small, owing to many circumstances which compelled them to insure in this country. The second witness on the contrary declared, that the goods his house Molling.
exported to the Continent, amounting to more than half a million per annum, were chiefly insured in Hamburgh, where the number of insurance companies had very much increased since he left that City; that losses were generally more easily settled there than here; and that he never heard any complaint of those companies; but he too concluded with saying, that scarcely any insurances were done at present on the Continent. On examining another witness it appeared, that although there had been Grill.
more than 30 insurance offices at Hamburgh, six or eight years ago, there were now not more than five or six of them remaining; that some of them had closed their accounts because they found it not worth while to go on, and had paid in full; but that others, from heavy losses, had been obliged to declare their incapacity of paying in full, and had only paid from four to fifteen shillings in the pound.

Simpson, Bridgman, Lumley, Russell. With respect to the companies in the East Indies, there appear to have been seven at Calcutta, five at Madras, and one at Bombay, established mostly since the year 1797. Three of the Madras companies are stated Bridgman. to act no longer, from what cause is not mentioned; but the credit of these companies in India does not appear to stand very high, as the agents for two of them in this City, have refused to pay losses for them, to so small an amount in one instance as 6,000*l.* because they had not funds in hand. Insurance companies were originally Russell. established in India, on account of the uncertainty of timely communication with Europe, and chiefly for the purpose of insuring what is called the country trade, or voyages from one port in the Indian seas to another, Simpson, Angerstein. which it would not always be practicable to insure at all, unless they were insured on the spot. This trade alone is stated to be sufficient for the support of several Bridgman. insurance companies; but the discontinuance of over-land dispatches, and regular packets from India to Great Britain, has thrown into their hands the insurance of a very great proportion of the consignments to Europe, which were formerly effected in Great Britain; and Simpson, Bridgman, Angerstein. which can only be brought back into their old channel, by the re-establishment of the accustomed means of communication between the two countries.

The insurance companies in the West Indies are too trifling to deserve notice. The number of those in the Jones. United States of America, is stated to be about thirty, with capitals of from 44,500*l.* to 115,000*l.* Independent of the general causes which lead to the formation of such Angerstein. establishments in all commercial countries, such as the necessity of insuring short voyages on the spot, lest the issue of them should be known before the orders for in-

surance arrived, if sent to a distant country; the difficulty of effecting insurance in Great Britain, on vessels not known and registered there except at an advance of premium; the desire of the merchants who are usually the proprietors of those companies, to retain the profits of their own insurances; their wish to hold the policies which secure their property in their own hands; and to transact their business themselves, rather than pay a commission for having it transacted by others;—another cause has powerfully contributed to their increase in America, and that is the law which prohibits the British underwriter from paying in case of British capture. A great proportion of the export trade of America is carried on to the ports of the enemy; and consists of articles either the produce and manufactures of the enemy, or the produce of the enemies' colonies. This circumstance renders her vessels liable to be brought in for adjudication by British cruizers, on suspicion of their cargoes being enemy's property; and renders it inconsistent with the safety of the parties, to be insured in a country where the law in such cases interposes an effectual bar to the recovery of the loss. It does not appear that any part of the marine insurances now effected in America, is likely to be brought to Great Britain, either by the establishment of any new insurance companies, or by any other alterations in the present system of effecting marine insurances. An alteration in the law alluded to, is the only measure calculated to produce such an effect.

Glennie. Bridgman, Williams, Angerstein. Molling, Angerstein. Williams, Angerstein. Williams. Angerstein. Williams. Angerstein.

It is not unconnected with this branch of the subject before your Committee, to observe that the policy duty for the year 1809, may be calculated to have been paid

Appendix, No. 5. upon 175,598,000*l.*; as appears by the following statement, founded on the returns of that duty paid in London.

£311,787 Stamp-duty, at 5*s.* per 100*l.* covers property to amount of - - - - - -	£124,714,800
£19,577 ditto, at 2*s.* 6*d.* ditto -	15,763,600
Policy duty paid in London on -	£140,478,400
Scotland, Ireland, and the out-ports, estimated at one-quarter of London - - - -	35,119,600
	£175,598,000

All estimates of British insurable property must be vague; the following, however, appears to be as fairly calculated as the nature of the case will admit.

Appendix, No. 1.

Imports, 1809, - -	£30,406,860	
Exports, ditto, - -	50,300,963	
		£80,707,823

Appendix, No. 1. N. B. The above is exclusive of imports from the East Indies and China; but it is to be observed that the East India Company never insure either imports or exports.

Add difference between official and real value 30 per cent. agreeable to the evidence given by Mr. Irwin, Inspector-General of imports and ex-

ports, before the Lords' Secret Committee in 1797, "that taking all circumstances with respect to the rates "and values into consideration, he "was of opinion that an advance of "near 30 per cent. might be added "to the ancient estimates." - - -		£24,212,346	
Goods shipped coastwise, as per preceding statement of policy duty paid in London - - - - -	£15,763,600		
Add one-quarter for Scotland, Ireland, and outports, as per ditto - -	3,940,900		
		19,704,500	
	TONS.		
Tonnage of British vessels entered outwards and inwards, 1809 - - - -	3,070,725		Appendix No. 3.
Deduct one-quarter for transports, colliers, coasters, &c. insured per annum, and for ships insured out and home on the same policy - - - - - -	767,681		
	2,303,044 at 15*l.* per ton	34,545,660	
Freight of 3,070,725 tons, at 5*l.* per ton - - - - - - - - - - - - - -		15,353,625	
		£174,523,954	

It must be presumed that many individuals remain

voluntarily uninsured, on a considerable proportion both of the ships, freights, and goods, in which they are interested, but to what amount it is impossible to ascertain; and on the other hand, that many of the foreign ships employed in the commerce of Great Britain, and their freights, are insured in this country; so that the one may probably serve as a set off against the other.

Appendix, No. 4. The amount of the policy duty paid in former years, falls far short of that paid in 1809; but the cause of this deficiency is explained by the evidence given before your Committee, which states that the duty on policies was much evaded by the use of slips, till prosecutions were instituted by the Attorney-General in 1808, against several individuals for that practice. The fact therefore of less duty having been formerly paid, by no means proves that less insurance was effected.

Reed, Halliday.

On referring to the Act of the 6th of George the First, your Committee find it provides, that if his Majesty, after the expiration of 31 years, shall judge the continuance of the two existing chartered companies hurtful or inconvenient, he may revoke them by his letters patent. Your Committee are no advocates for chartered companies possessing exclusive privileges, considering them as having a natural tendency to give monopolies to a few individuals, at the expence of the public at large. But the experience of near a century has shewn that the limited degree of mercantile interest possessed by these companies has counteracted the natural tendency of their institution, and the evidence given before your Committee, so far from proving that these corporations are hurtful or inconvenient, has on the contrary proved that they are convenient and advantageous to the pub-

Glennie, Idle, Rogers.

lic. Under these circumstances, the only ground on which your Committee could be induced to recommend to Parliament to abrogate their charters, would be a conviction, that by so doing, such ameliorations in the present system of effecting marine insurances might be made, as from a regard to the public good, ought to outweigh every consideration due to the interests of individuals.

Such ameliorations could only be produced in three ways: by adding to the number of the chartered marine insurance companies already established; by permitting the general establishment of joint stock companies for the same purpose; or by removing the present restrictions imposed by the Act of the 6th of George the First, against underwriting in firms or partnerships.

Very different opinions have been expressed by the witnesses examined before your Committee, as to the consequences of granting a charter of incorporation to the merchants and others whose petition is referred to their consideration.

It has been urged in favour of this establishment, that it would give additional facilities to our present means of effecting marine insurances, which it is contended are still wanting; that the confidence placed in its solidity, would bring more foreign insurances to this country; and that a new company would be obliged, by the increase of competition, to lower the premiums, and transact business on more liberal terms than the existing chartered companies. It has also been asserted, that a public board is less selfish, less acute in the pursuit of its own interest, and less careful of it, than an individual. The very great majority of the merchants of this metropolis

Rucker, Inglis, Glennie.

Rucker, Melling, Jones, Forsyth.

Rucker, Melling, Jones, Glennie.

Jones.

Forsyth.

Angerstein. Inglis. Forsyth. Inglis.

who are subscribers to the intended new company, (which is represented as comprising nine-tenths of the commercial interest of the City of London, or so preponderating a proportion of it, that one witness declared he could not name half a dozen houses of note in this City who are not subscribers to it, without referring to some list of merchants,) has also been urged as a proof of the general persuasion entertained of its utility, by those who are most competent to form a correct judgment on the subject.

Angerstein, Reed, Mavor, Nicholson, Barnes, Rogers. Angerstein, Reed, Brown, Halliday, Getting, Throckmorton, Mavor, Shedden, Nicholson, Barnes, Warren. Rogers. Angerstein, Reed. Brown, Nicholson. Reed, Brown, Throckmorton, Mavor. Nicholson. Reed, Brown, Getting, Mavor Nicholson.

It has been contended on the contrary, that no new facilities for effecting marine insurances are wanting; and that if they were wanting, they would not be given by this new company, whose directors would avail themselves of the immense choice of business which the company would possess among its own members, to select the good risks, and reject the bad; that individual underwriters, deprived of a fair shew of good risks, would not find it worth their while to write the bad risks alone, and would be discouraged from continuing their present avocation; that then no means would remain of insuring the bad risks that had been rejected by the company, and thus the present facilities of effecting marine insurances, so far from being increased, would be diminished. That the incorporation of a company possessing so large a proportion of the commercial interests of this metropolis within its own members, would destroy the present system of competition, and establish in its stead a system of monopoly; and that when the individual underwriters were compelled to quit the field, the proprietors of this company might advance the rate of premiums as they pleased, and would enrich themselves at the expence of the public.

It is denied that this new company would bring any increase of foreign insurance to Great Britain. It is contended in assertion, and proved by example, that though some persons may have engaged in this undertaking from a conviction of its utility, yet that the greater number have either not considered its consequences at all, or have been induced, by motives of interest, to join in a plan of which they disapprove. It is objected, too, that the directors of this company would have an undue controul over other mercantile houses, by the system on which they might think proper to regulate the credit given for premiums; that they might take unfair advantages of the opportunities they would have of becoming acquainted with the commercial operations of other merchants, by seeing their correspondence; and, in short, that this establishment would lay the foundation of a monopoly, not only of insurance business, but of commercial business in general.

Angerstein. Reed.

Reed, Brown, Throckmorton, Mavor, Shedden, Nicholson, Rogers.

Angerstein, Reed.

Brown.

Reed, Nicholson.

Societies have lately been formed in this metropolis, by owners of transports and colliers, who insure each other's vessels. None but owners of good ships are admitted into these companies; the owners of bad ships being left, as one of the secretaries says, to insure them at Lloyd's, or where they please. It appears from his evidence, that by thus selecting the good ships only, and rejecting the bad, they had been able to insure each other at an expence of not more than 5*l.* 10*s.* per 100*l.* per annum; while the premium at Lloyd's on transports is 9*l.* and on colliers 18*l.* per annum. From this statement, some idea may be formed of the vast advantage of being able to choose the best description of ships; and some calculation may be made of the enormous profits that might be derived by this intended new marine insurance

Cheap.

Wilson.

company, acting upon this system, and insuring property, as it is estimated they would do, to the amount of eighty millions per annum.

Angerstein.

There appears to be a radical and irremediable vice, in the constitution of this new marine insurance company. The commerce of Great Britain is chiefly carried on, not for account of the merchants themselves, but for account of their correspondents abroad; who ship the produce either of the British colonies and dependencies, or of foreign countries, to be sold here on commission. Until the recent revolutions in Europe had thrown the trade of the Continent into new hands, as well as into new channels, the great bulk of the commerce of Great Britain was, and a great proportion of it still is, of this description. It is therefore the duty of the merchants to effect the insurances of their correspondents on the lowest terms possible; and this is likely to be best done through the medium of indifferent persons. The practice of a merchant being an underwriter, in the present open mart for marine insurance, can be attended with no disadvantage to the interest of his correspondents, because the rate of premium is regulated by the competition of the general underwriters at Lloyd's, which he has no power to controul: but if the merchants at large, by forming themselves into one or more companies or associations, were to take the insurance business into their own hands, and destroy individual underwriting, all competition would be at an end, and the rate of premiums be completely within their power. By forming such establishments, they would become at the same time agents and principals; they would have an interest directly opposite to that of the parties for whom they act; and the prayer of these petitioners is neither

more nor less than this, that they may be permitted to do that by virtue of a new law, which the existing laws wisely prohibit and justly punish.

Whether the merchants form themselves into one large company, or many small ones, the effect of taking the business of the underwriters and insurance brokers into their own hands, will be the same, both as to depriving them of their present occupations and means of subsistence, and as to the general interests of commerce. The competition that at present exists, and keeps down the rate of premiums, though less narrowed than by the formation of one company, will still be greatly diminished. Reed, Halliday, Mavor, Shedden. As men naturally associate most with those who follow the same pursuits as themselves, each of these associations would probably be composed chiefly of persons engaged in the same branches of commerce. Angerstein. If then any heavy calamity took place among the shipping engaged in any particular branches of commerce, the parties affected by this event, who would have to recover large sums as merchants, would themselves, as partners in these companies, be the parties on whom the losses would fall; and having few premiums derived from other branches of insurance business to set against the losses sustained in that particular branch, would be exposed to great risk of failure. Angerstein. Whereas the universality of the insurance business done at Lloyd's, and the limitations which the underwriters prescribe to themselves, as to the amount they insure on different descriptions of voyages, so divide the risks, that a calamity of this nature by no means affects them in the same degree. Lyndsey, Angerstein, Reed. If such companies were permitted, it would be impossible to form any judgment of the prudence, or want of prudence, with which their business was conducted; an advantage which every Brown, Reed, Halliday, Shedden, Barnes.

broker has with every individual underwriter, in the present open manner of transacting business at Lloyd's; and they might insure to an unwarrantable extent, out of all reasonable proportion to their capital, without the possibility of its being discovered.

Reed, Shedden.

Jones.

A witness who acts as secretary to an insurance company, and whose attention of course has been much directed to this subject, says, that the country would be crowded with insurance companies in the first instance; that with the superabundance of capital, and the disposition to speculation that prevails, fifty companies would be filled up in a short space of time; and that the eagerness for business, particularly for speculative business, would in the first instance reduce the rate of premium very materially. Your Committee think this disposition cannot be too strongly guarded against; or that offices for marine insurances would start up in every street, as offices for lottery insurances once did, and would fail as often; for they would probably adopt the same system as is now acted upon by the chartered companies, of allowing a large discount for prompt payment of premiums, and thus, instead of leaving their funds in the hands of the assured, as a security to them in case of loss, (the system of individual underwriters,) they would always have a large disposeable capital, ready to be invested in any objects of speculation.

Maver.

The effect of establishing insurance companies, as to the rate of premiums, may be correctly ascertained, by putting together the evidence of three witnesses respecting the companies in America; and at the same time, the apparent contradiction in the statement of two of these witnesses, may be reconciled. The first states these com-

Glennie.

panies to have been established in consequence of the high premiums charged in Great Britain; and that they made very handsome profits, by insuring on more reasonable terms. The second witness, recently returned from that country, says, that the premiums there, on the principal risks, are now one-third higher than here; and lays it down as a principle, that a public company is undoubtedly a dearer resort for insurances. The third witness proves that the merchants of New York, lately agreed at a public meeting, to encourage individual underwriting, in order to relieve themselves from the monopoly exercised by the companies. Thus it appears, that these companies began by writing on moderate terms; that by this means they beat the individual underwriters out of the field; and that then, they availed themselves of their monopoly, to raise the premiums higher than ever.

Jones.

Bennett.

Another plan still remains to be considered, that of repealing the restrictions imposed by the 6th of George the First, against underwriting in firms or partnerships. It certainly is desirable that the best possible security should be given to the assured; it also appears reasonable to suppose, that the joint security of several persons, is better than that of a single individual; and some of the witnesses examined by your Committee, have expressed themselves to be of that opinion. To this, however, it has been answered, that theory and practice do not always accord; and it has been proved by those who have directed their observations to this point, that in cases of insolvency, where one of the partners of the house has been at the same time an underwriter, his separate estate has always paid a larger dividend than the joint estate of the partnership. This fact is not only proved, but satis-

Glennie, Williams.

Angerstein, Brown, Getting Throckmorton, Shedden, Barnes.

factorily explained, in the following manner:—An underwriter is obliged to pay his losses within a month after they happen, but cannot begin to collect his premiums in less than a year. In the mean time, the payment of his losses brings him under considerable advances, which form a capital deposited for the security of those with whom he transacts business; and which it is absolutely out of his power to touch, or alienate. If he is under the necessity of stopping payment, it is generally found on winding up his affairs, that the premiums due to him form a fund sufficient, or nearly sufficient, to pay the losses on the risks outstanding, those on the risks run off to the period of his stopping payment having been previously paid as they became due. But if the underwriting account was rendered responsible for the commercial engagements of the house, by the whole being blended together, as would be the case if underwriting was carried on by partnerships, this advantage would be taken away, and the security of the assured be diminished, instead of being increased, by the change of system.

Getting, Throckmorton

Getting, Throckmorton

Getting, Throckmorton.

Getting, Throckmorton Barnes.

Your Committee are of opinion that this change has no more claim to favourable consideration in any other point of view; for it is open to many of the objections which have been urged against the other plans. It would tend to narrow competition, the extent of which depends upon the number of competitors. The objection of one partner, might defeat the disposition of another to settle a loss. The necessity of consulting an absent partner, might occasion great delay and inconvenience in effecting insurances. The assured would be obliged to outlaw an absent partner, before he could recover against the others; and this is a process so frequently resorted to by commercial houses, in order to gain time, that it is to be

Forsyth, Glennie.

Reed, Throckmorton Rogers.

Angerstein, Barnes, Idle.

Brown, Throckmorton Barnes, Idle.

Barnes.

feared every litigious set of underwriters would take care to have an absent partner, a subterfuge from which the assured is secured by the present system of underwriting by individuals only. Brown. Barnes.

Your Committee having carefully considered the evidence before them, and compared it with the allegations in the petitions referred to their consideration, are of opinion, that although the trade and commerce of these kingdoms have so much increased since the year 1720, when the existing chartered companies were first established; and although those companies may not at present insure more than four parts in 100 of the ships, goods, and merchandize, insured in Great Britain, yet that the means of effecting marine insurance by individual underwriters, have kept ample pace with the increase of the trade and commerce of these kingdoms. They believe that no part of the insurance business now effected by the foreign insurance companies, would be brought to Great Britain by the establishment of more insurance companies here. They are persuaded that the present system of individual competition is best adapted to the interests of commerce, and to the genius of a free and enterprizing people. They find that this system was devised by the wisdom of our ancestors, at a period when the numerous failures of mercantile houses made it peculiarly necessary to secure the assured from the ruinous consequences of commercial speculation, which appear to be most effectually guarded against by the restrictions against underwriting in firms or partnerships; and that though they thought it expedient, in the then depressed state of credit, to accompany this measure with the incorporation of the two existing chartered companies, yet that in the very Act for their establishment, they declared

their conviction of the pernicious tendency of joint stock companies and associations, in the most decided language. They see that under the present system, the commerce of these kingdoms has risen to its present height of unexampled prosperity; and therefore they are not disposed to touch it with the rash hand of innovation, at the request of those who have an interest in the proposed change. They think this system is as free from defects, as any human institution can be expected to be found; that the alterations proposed are likely to produce much greater evils than they are calculated to remove; and that parliamentary interference in matters of trade, ought never to be resorted to, but under circumstances of much more grave and urgent necessity, than have been made out in the present instance.

In confirmation of the foregoing statement, your Committee have annexed to their Report the Minutes of the Evidence taken before them; together with the several accounts which they thought it necessary to call for, in order to elucidate the subjects referred to their consideration.

W. Hughes, Printer, Maiden-Lane, Covent-Garden.

AN

INQUIRY

INTO THE

STATE OF OUR COMMERCIAL RELATIONS

WITH THE

NORTHERN POWERS,

WITH REFERENCE TO OUR TRADE WITH THEM

UNDER THE

REGULATION OF LICENCES,

THE ADVANTAGE WHICH THE ENEMY DERIVES FROM IT,

AND ITS

EFFECTS ON THE REVENUE,

THE COURSE OF THE FOREIGN EXCHANGES, THE PRICE OF BULLION,

AND THE

GENERAL PROSPERITY OF THE BRITISH EMPIRE.

LONDON:

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PREFACE.

In submitting this production to the Public, the Author is abundantly sensible of its many imperfections. Still, however, he trusts, that it will be found to contain some useful information, and some correct views, on points, which, at this moment, are of great practical interest.

To the policy of encouraging, under the regulation of licences, an extensive import-trade with States at war with this country, and of compelling the Bank to resume its payments in specie, under any circumstances similar to those of the actual

situation of our affairs, the Author acknowledges himself to be decidedly adverse. Upon these important points his sentiments are equally at variance with those which appear to be entertained both by the authorities, under whose sanction the former is conducted, and by those who think it highly expedient, that the adoption of the latter measure should not unwisely be too long delayed.

Subjects of this nature have no dependence whatever on party considerations. The Author, therefore, is, on this occasion, perfectly unbiassed by any motives of this description. His views are untinctured by party preferences. For many of the individuals, from whom he differs, he feels the highest personal regard; and he would

place himself among the foremost in doing justice to the talents, and to the many estimable qualities, by which they are distinguished.

But the subjects of the following inquiry have no connection with personal views, or political partialities. Their bearings are of general interest. Their relation to the prosperity of the empire is the only point in which they ought to be abstractedly considered.

To inquiries into the state of our circulating medium, the attention of the public has, of late, been much directed; but their final judgment on it remains yet to be pronounced. All precipitancy of decision should be sedulously avoided; and the materials upon which this judgment is to be formed, should

be carefully balanced and examined, before any measure for its future regulation be finally adopted.

The following performance was intended as a contribution towards the common stock of materials, of which the public are already in possession; and which, if no unsound opinions be promulgated, can, upon a subject of such paramount importance, hardly be multiplied to excess.

The author feels himself compelled to acknowledge, with unaffected regret, that he has been prevented, by other avocations, from bestowing more time and less undivided attention to the subject, in order to do more justice to his own arguments. Without hesitation, however, he can venture to

declare, that whatever may be the number of its inaccuracies, or however defective its arguments may be found, in committing the following production to the press, he has been influenced by no private motive, either political or commercial, but has been guided, solely and exclusively, by views of public utility.

London, April 2d,
1811.

AN INQUIRY

INTO THE

STATE OF OUR COMMERCIAL RELATIONS,

WITH THE

NORTHERN POWERS, &c.

THE contest in which we are engaged, is distinguished by a feature peculiarly its own, and which separates it from the class of ordinary wars; for in no former instance of an appeal to arms, have the utmost efforts of the enemy been so exclusively directed against our financial resources. Our commercial prosperity is the main spring from which these resources have hitherto been abundantly supplied; the foundation upon which has been erected the stupendous fabric of our wealth and power. To undermine, and, if possible, to level this magnificent structure with the ground, is an exploit with which the enemy

still vainly hopes to close his career of victory. That in this hope he must be disappointed, will be denied by no one who is capable of justly appreciating the solidity of the foundation, upon which this substantial edifice is raised.

Admitting, however, the certain failure of that new mode of hostility, which aims at the ultimate ruin of the British Empire, through the gradual extinction of the main sources of its commercial prosperity, yet, it would be idle and absurd to assert, that the enemy's plan of warfare has been altogether unsuccessful. His persevering and unremitted attempts to cut off all commercial communication between this country and the Continent, have certainly prevailed to a considerable extent, by the aid of a vigilant, harsh, and rigorous enforcement of the Continental System. But the evils it entails on the unhappy countries subjected to the capricious and arbitrary dominion of the French Ruler, are greater than those which it imposes on ourselves. The necessity of relaxing it will probably be felt abroad long before it could bring upon this country those very calamitous effects, for the production of which it was organized and adopted. The absolute wants

of mankind are, indeed, so numerous, and so peremptorily demand to be supplied, that the despotism that would attempt entirely to suppress them, must prove, in the end, an odious and fruitless exercise of tyrannical power, and eventually lead to the discovery of its own weakness.

Still, however, while Bonaparte's system of exclusion shall continue to be rigorously and unsparingly enforced against us, we must be prepared to expect, in the general resources of the country, a deficiency exactly proportionate to the extent of its exclusion. Although time may provide a remedy for this evil, it is of sufficient magnitude to demand our immediate attention to the degree in which it affects our revenue, and our commercial interests in general. We may thereby be in some measure enabled to determine, how it may most effectually be counteracted, and whether, under the pressure of such an injury, the nature of our commercial relations with foreign and hostile states, may not have been modified upon an erroneous principle.

In such an inquiry, the policy and expediency of granting licences for the control and regulation of various branches of commerce,

with states at war with this country, would, of course, require its due share of attention and deliberate investigation.

Although the prohibitory decrees of the enemy were at first put into more complete operation against us, in those countries which have the misfortune to be placed under his immediate dominion, yet, by far the greater losses we have experienced, have arisen from the successful extension of his baneful system to those states, which the events of the times had forced into political alliance with him. In the ports of the Baltic, our losses by confiscation have been ruinous beyond all precedent, and the real extent of their injurious effects on our mercantile interests remains yet unascertained. How far they might have been avoided by a more provident attention to the progressive ascendancy of French councils in the measures of the Northern Powers, and to what degree these immense sacrifices might have been saved by a more cautious line of commercial policy, are points of no inconsiderable importance. Such investigations, it is true, cannot now supply a remedy for the evils we have sustained; but something will be gained from them, if they should only contribute to throw the least

additional light on the general complexion of our relations with the Northern States, and afford but a single useful hint for the regulation of our future intercourse with those powers.

A cursory review of the circumstances and events, which have closed the Baltic ports against us, may, without impropriety, precede both an enquiry into the policy of regulating our commercial intercourse with the enemy by means of licences, and the incidental consideration of some other points connected with the general prosperity of the British Empire.

Previously to the peace of Tilsit *, the ports of the Baltic were, for the most part, open to our commerce. The unsuccessful issue of the Russian campaign prepared the way for the establishment of a new order of things, which afterwards closed the relations of amity then subsisting between this country and the Northern States. The early change in the sentiments of the Russian Cabinet was perhaps chiefly to be attributed to the stipulations contained in the treaty of Tilsit. Indeed, the spirit in which those engagements were formed, was soon manifested by the

* Concluded between France and Russia 7th July, 1807.

conduct, which Russia observed towards Great Britain; for it is an important feature in her proceedings, that, although the attack upon Zealand was subsequently made a principal ground of hostility against this country, yet, when that government was first apprized of the siege of Copenhagen, there was a greater prospect of success, than had for some time appeared, in the efforts of the English Ambassador to restore the two countries to their ancient good understanding *.

From this circumstance, independently of any abstract consideration of the expediency or impolicy of the measure, it has been conceived, that our retention of Zealand might have deferred, or, perhaps, entirely prevented the war that ensued with Russia; for no dissatisfaction appears to have been expressed at this enterprize by the Cabinet of

* "Nor can his Majesty forget, that the first symptoms of reviving confidence, since the peace of Tilsit, the only prospect of success in the endeavours of his Majesty's Ambassador to restore the ancient good understanding between Great Britain and Russia, appeared when the intelligence of the siege of Copenhagen had been recently received at St. Petersburgh." Declaration of war against Russia; dated at Westminster, December 18th, 1807.

St. Petersburgh, until after the terms of the capitulation were declared, upon which that island was to be evacuated. Nor did Russia determine upon war, before this evacuation was known to be in a course of execution.

This assertion may to some persons appear enigmatical. But if we reflect on the disasters, which brought the war with France to so speedy a termination; if we consider how much Russia had lost in the scale of national importance, and how naturally she would have seized any opportunity of redeeming her diminished consequence and influence, it becomes the less difficult to imagine, that our possession, during the continuance of hostilities with France, of so commanding a station in the Baltic, as the Island of Zealand, might have had much weight in the ultimate decisions of the Russian Cabinet. It is far from being impossible, that this very circumstance might have relaxed the new connection between Russia and France, and have induced the former to avail herself of the earliest moment of disengaging herself from an alliance so little consonant to the true interests of her empire. Were it possible to ascertain, that such

were actually the views of that government, it would appear singularly inconsistent, if the same violation of neutrality, which had been declared to be a just ground for hostilities with this country, should, under circumstances of material aggravation, have constituted a reason for cultivating with us an intimate union and alliance. Strange as it may seem, it is nevertheless the opinion of many persons distinguished for their intelligence, and their extensive knowledge of Russian affairs, that the question of peace or war with Great Britain depended, in a great measure, on our retention or evacuation of Zealand.

The hostile steps which Russia was about to take against this country, were however, not immediately enforced with any marked severity; but were, on the contrary, executed in such a manner as to produce no material injury to the British merchants engaged in the Russia trade. This moderation, too, was practised in opposition to the most urgent and strenuous efforts of the agents of the French Government. The war that ensued was followed by the sequestration of a few British vessels still remaining in the Russian ports, as well as of the property of all de-

scriptions in the possession of the Bristish residents in that empire*.

* It is not unworthy of remark, that, in the manifesto issued by the Emperor Alexander, this apparent lenity and moderation were sacrificed to a spirit of the most determined and inveterate hostility. " His Imperial Majesty breaks off all communication with England.—He abrogates for ever every act hitherto concluded between Great Britain and Russia, and particularly the convention concluded in 1801.—*He proclaims anew the system of the armed neutrality*, that monument of the wisdom of the Empress Catharine, and binds himself never to recede from that system. —He calls upon England to give complete satisfaction to his subjects with respect to all just claims they may set up, of ships and merchandizes seized and detained, contrary to the express tenor of the treaties concluded during his own reign.—The Emperor gives warning that nothing shall be re-established between Russia and England, until the latter shall have given satisfaction to Denmark."—(Declaration of Russia against England, dated at St. Petersburg, 26th October, 1807.)

The counter-declaration issued by the British cabinet, 18th December, 1807, contained a spirited and pointed reply to the charges of the Emperor of Russia. On the treaty of Tilsit, the revival of the armed neutrality, the vexation of Russian commerce, and the attack on Copenhagen, it has the following passages.—" His Majesty was not unaware of the nature of those secret engagements imposed upon Russia in the conferences of Tilsit.—His Majesty deemed it necessary to require specific explanation with respect to those arrangements with France, the concealment of which from his Majesty could not but confirm the

With respect to Denmark, there has been but little direct trade with that country, and it has, at no time, formed an important branch of our commerce. It would, indeed, have been a desirable object to have had the means of availing ourselves of Denmark as a channel for exportation; but the inveterate hostility of the Danes presented no ground for hoping that this could be effected*. If

impression already received of their character and tendency."—

"*His Majesty proclaims anew those principles of maritime law*, against which the armed neutrality, under the auspices of the Empress Catharine, was originally directed; and against which the present hostilities of Russia are denounced. Those principles have been recognized and acted upon in the best periods of the history of Europe; and acted upon by no power with more strictness and severity than by Russia herself in the reign of the Empress Catharine."—"The vexation of Russian commerce by Great Britain is, in truth, little more than an imaginary grievance."—"His Majesty feels himself under no obligation to offer any atonement or apology to the Emperor of Russia for the expedition against Copenhagen. It is not for those who were parties to the secret arrangements of Tilsit, to demand satisfaction for a measure to which those arrangements gave rise, and by which one of the objects of them has been happily defeated."

* Though the rupture with Denmark, and the various circumstances which produced it, are of so recent a date as to be fresh in the recollection of every one, yet, as some

such sentiments had not prevailed to our disadvantage, some trade with the interior of Germany might have been carried on through Holstein; but the daily extension of French

of the Danish decrees have been distinguished by a spirit of rigorous proscription, quite incompatible with the mild character of the Danish government, it may not be irrelevant concisely to allude to those events, to which this unexampled severity is perhaps to be attributed. In the British declaration, relative to the war with Denmark, it is stated that "His Majesty had received the most positive information of the determination of the present ruler of France to occupy with a military force the territory of Holstein, for the purpose of excluding Great Britain from all her accustomed channels of communication with the continent: of inducing or compelling the court of Denmark to close the passage of the Sound against the British commerce, and navigation; and of availing himself of the aid of the Danish marine for the invasion of Great Britain and Ireland." (Declaration of the King of Great Britain, dated Westminster, Sept. 25th, 1807.) Mr. Jackson, the English Minister at Copenhagen, had, it appears, been instructed to demand the temporary deposit of the Danish navy in one of his Britannic Majesty's ports, and to pledge the restoration of it, at the conclusion of a general peace, in the same condition and state of equipment, as when received under the protection of the British Flag. On the 16th of August, a proclamation containing a similar demand, was issued at Zealand by Admiral Gambier and Lord Cathcart. Mr. Jackson having already failed in the object of his instructions, had, on the 18th of August, requested passports for himself and suite. From this time, the Danish government considered the

control would probably have soon brought it to a close. That part of the Baltic trade, which was confined to Denmark, has never been considerable. Its extinction, therefore,

war between England and Denmark as actually commenced, and their proclamation against England, issued at Gluckstadt, August 16, 1807, ordains the seizure of all English ships and goods; the arrestation of all English subjects, without exception, until they could be sent out of the country; that all correspondence with English subjects should cease; and that no payment should be made to them on any ground whatever, until further orders, on pain of severe punishment.—Much more severe penalties were shortly afterwards enacted. In the Patent, issued at Rendsberg, October 30, 1807, relative to the punishment of persons in Sleswick and Holstein, carrying on any trade with the enemies of Denmark, it is enacted, that, "any connection or correspondence with the subjects of Great Britain, though carried on by means of a third person or party, shall be punished with severe imprisonment; but, if the said correspondence shall have been carried on *immediately* between our subjects and the enemies of the country, the former shall be punished with *death*." The excessive severity of this penalty very strikingly manifests the extent to which the Danes were exasperated against this country, on account of the seizure of their fleet. It appears to have been entirely their own act, and uninfluenced by the suggestions or the control of the French government. For, at the time of our Expedition, the cabinets of Copenhagen and of the Thuilleries were not in perfect amity. Suspecting that France had some designs upon Holstein, the greater part of the Danish army had been stationed in that Duchy. In the Moniteur of September 20, 1807, allusion is made,

is not a very material point, with reference to the whole amount of our commerce with the Northern Powers.

This State, indeed, had been obliged to adopt and enforce repeated restrictions on her foreign commerce, very detrimental to her true interests, and by which she has, in a great measure sacrificed her transit trade. At this time, she has hardly any foreign commerce at all, even with neutral powers; for, by the compulsory adoption of regulations made in conformity to those imposed by the Trianon decree of August 5, 1807, and of the French decrees of the 4th and 8th of October, 1810, all colonial produce already imported was subjected to the payment of enormous duties, and the further importation of it, for transit, virtually interdicted; as similar arbitrary and excessive duties were continued on all articles of such produce as might, in future, be either captured or im-

in the language of dissatisfaction, to this circumstance. "Denmark has acted a foolish part, and has had this, *in common with the Continent,* that she has *always* been *distrustful* towards France, and giving all credit to the boasting and pretensions of the upright cabinet of London. Surely, *if the Danish army had been in Zealand,* instead of being on the Continent, at the moment when the English made their appearance, the latter never would have had success."

ported. In exacting of Denmark the adoption and enforcement of these regulations, France expected, by thus striking at the root of foreign commerce in general, to succeed in preventing it from being carried on with that country through the intervention of neutral flags; or, at least, to place this state on the same footing, with respect to such commerce, as France herself.

At the same time, she extorted a revenue from the property already in Denmark; for the holders of this property could hope to indemnify themselves for the amount of these exactions, only by availing themselves of the permission, granted by the above-mentioned decrees of the 4th and 8th of October, to declare them for exportation to Hamburgh, by which they acquired the privilege of disposing of them in any part of the French territory. This decision was required to be made instantly*, and it was generally adopted,

* "1. Every one who in our Duchies has in his possession the commodities specified in the French tarif, as merchandize, or appertaining to merchandize, shall be bound, without delay, and within 24 hours at farthest after the communication of this our order, to give an account to his superior magistrate, and the Inspector of Customs, what and how much of the above commodities he has in his possession or custody."

notwithstanding the inability of the holders to pay these duties, under the expectation that some arrangements must ultimately be made by the French Government, in order to facilitate these payments, which would otherwise be impracticable; for the duties upon most colonial articles exceeded 200 per cent. This led to a negociation, by which the holders were permitted, as a boon forsooth, to pay these duties in kind; by which arrangement the proprietors were more benefited, or rather less injured, than if, by paying the amount of the duties, they had incurred the contingent risk of afterwards disposing of the whole upon their own account; for, it is evident, that a change of circumstances might have materially affected the value of the property left in their possession.

Sweden, however, still continued faithful to her alliance with Great Britain, and her ports and harbours remained open to our

" 2. Within 48 hours after this, he must communicate to the said officers, what and how much of these commodities he means to give notice of to the French Director of the Customs in Hamburgh, for conveyance into that place, in order to the payment of the duties specified in the said French tarif." Danish Ordinance, dated at Fredericksberg, 20th October, 1810.

commerce; but they afforded no material extension of commercial benefits beyond those which resulted from the relations existing with that power previously to the then restricted situation of affairs in the Baltic. The events of the war in which Sweden was involved, in consequence of the fidelity with which she maintained her engagements with this country, rendering it necessary to purchase peace by the cession of Finland to Russia *, and by the partial adoption of the restrictive measures resorted to by France, the commercial relations between this country and Sweden became consequently interrupted. But the friendly disposition of the court of Stockholm towards Great Britain experienced in reality no diminution. In the treaty concluded between Russia and Sweden, the right of importing colonial produce and salt, but not in British bottoms, was secured to the latter power by an express stipulation to that effect †.

* Treaty of peace concluded at Frederickshams, 5th September, 1809. Art. 4 and 5.

† "His Majesty the King of Sweden, in order to give an evident proof of his desire to renew the most intimate relations with the august allies of his Majesty the Emperor of all the Russias, *promises to adhere to the Continental system, with*

From this circumstance it was hoped, that Sweden might not only continue to import colonial produce, but, from the demand for these commodities in the North of Europe, might become a channel for their introduction into other countries. With respect to British manufactures, their importation had always been prohibited, either in transit, or for home consumption; and her transit trade was confined to raw commodities, and specifically restricted to the ports of Gottenburgh and Carlshamn. But these hopes were extinguished by the violent measures which forced Sweden into a reluctant and unnatural alliance with the powers arrayed in hostility against this country. Her former commercial relations with England were thus drawn nearly to a close; for she was then obliged to abandon the privilege for which she had

such modifications as shall be more particularly stipulated in the negociation which is about to be opened between Sweden, France, and Denmark. Meanwhile, his Swedish Majesty engages, from the exchange of the ratifications of the present treaty, to order that the ports of the kingdom of Sweden shall be closed, both to the ships of war and merchantmen of Great Britain, with the exception of the importation of salt and colonial productions, which habit has rendered necessary to the people of Sweden." Art. 3, of the above treaty.

stipulated in the above-mentioned treaty with Russia, with regard to the importation of colonial produce, retaining only that of importing salt for her own consumption, but not in British vessels. Immediately after the arrival of the Crown Prince in Stockholm, the connection, which had so long and so advantageously to both countries subsisted between Great Britain and Sweden, was finally terminated by the declaration of war against England, which the former was compelled to issue, in subservience to the views of the French government. At the same time, the confiscation of British and colonial produce was required, but without producing from Sweden an implicit acquiescence in the demand;—and she continued to give protection to such property as had been imported previously to her engagements with France; and, though she ultimately yielded to the demands of Bonaparte, afforded her subjects sufficient time to complete all such commercial transactions as had been entered into antecedently to that period. But, to obtain this end, she was obliged to submit to the alternative of prohibiting the exportation of these goods, and of interdicting the impor-

tation, even from neutral countries, of any fresh supplies of colonial produce *.

With Norway there has certainly been more commercial intercourse than with Denmark, notwithstanding the intemperate violence of the Danish decree prohibiting all

* No very material change, indeed, was, for some time, produced in the commercial relations between this country and Sweden, even by the revolution which was effected in the Swedish Government on the 13th of March, 1809. This important event is to be ascribed partly to domestic dissatisfaction, and partly to foreign influence. Upon the deposition of the King, the Duke of Sudermania, his uncle, assumed the government of the country as Regent, and issued, on the 14th of March, a proclamation for assembling a General Diet in Stockholm on the 1st of May. The Diet then invested him with the sovereign power, and, on the 6th of June, the Duke ascended the throne with the title of Charles XIII. King of Sweden, and of the Goths and Vandals. The sudden and mysterious death of the Crown Prince, which happened shortly afterwards, left vacant the succession to the throne. The new King, on the 18th of August, 1810, proposed Bernadotte, the Prince of Ponte Corvo, to the Diet for their election; and he was immediately declared successor to the Swedish throne. This singular event might naturally be supposed to draw infinitely closer the relations between Sweden and France; but from the dissatisfaction recently manifested against the Swedish government by Buonaparte, it might be presumed, that it has not yet had the effect of forcing upon Sweden the unconditional adoption of the Continental System.

direct connection with this country. This intercourse arose, in great measure, from the distress which prevailed in Norway, and from the necessity of seeking relief by an illicit exportation of their produce to this country; and it has been allowed to be continued, although it afforded but few reciprocal advantages.

The situation of the Prussian government was peculiarly embarrassing. Stripped of a considerable portion of her territory by her former *sincere* friend, and *magnanimous* ally, and having no military resources to enable her to assume an independent line of policy, she was ultimately compelled, however reluctantly, and after many efforts still to preserve a friendly intercourse with Great Britain, to fall into the general plan of hostility pursued against us by the Northern Powers. These efforts, however, justified the lenity which marked the hostile proceedings of this country against her; and the mutual inclinations of the two powers, for some time, gave to the trade still subsisting between them some facilities, and some reciprocity of benefit *.

* The political and commercial relations between Great Britain and Prussia underwent, within a short period, many

Incapable as Denmark, Sweden, and Prussia appear thus to have been, of asserting

important changes. After the peace between France and Austria, which was concluded at Presburg, 26th of December, 1805, the King of Prussia entered into a convention with Buonaparte, in pursuance of which the former took possession of the States of his Britannic Majesty in Germany, professing at that time an intention of occupying them only till the conclusion of a general peace. The pretext for this step, as stated in the Prussian Proclamation issued at Berlin, 27th of January, 1806, was a desire "to ward off from these districts the flames of war, and its disastrous consequences, which momentarily threatened the North of Germany, and particularly the countries of the Electorate of Brunswick."—France, however, having demanded of Prussia the cession of Anspach to Bavaria, and of Cleves and Neufchatel, the Prussian Government, with equal folly and injustice, presumed to indemnify itself for these sacrifices by taking possession of his Majesty's Electoral dominions as belonging by right of conquest to France, who was therefore authorized to grant them to Prussia in exchange for the ceded Provinces. It is singular enough, that, in the Prussian declaration of war against France, issued at Erfurth, 9th October, 1806, one of the prominent charges against the latter is, that, in the midst of the peace, which the German Empire had purchased by immense sacrifices, "French troops made an irruption into the territory of Hanover, which had no relation to the war between France and England."

There is strong ground for believing, that the flagrant proceeding of the Prussian Government, with respect to the forcible possession of the Hanoverian territory, took place in consequence of an arrangement determined upon in the

their national independence, it was not to be expected, that any of the minor powers in

secret treaty concluded by Count Haugwitz with the French General, Duroc.

This act of injustice was immediately followed by the shutting of the ports in the German Seas, and that of Lubeck, against the British flag, which, because the same step had been taken by the French during their possession of Hanover, was stated, by the Prussian government, to be the indispensable condition of an arrangement, by which that country was protected from the entry of the French troops, and the tranquillity of the North of Germany preserved. To such an acquisition Prussia could advance no right; for, though France should have regarded the Electorate of Hanover as a conquest, yet as it was contrary to the established usage of war to dispose definitively of any conquest, before the conclusion of peace, France was not justified in ceding this Electorate to Prussia, and the latter was still less so in annexing it definitively to her own dominions. Against this proceeding Mr. Fox remonstrated, 17th March, 1806, and, on the 20th of April, war was formally declared against Prussia. It appears from the French Exposé, in the Moniteur of the 9th April, 1806, that France expected that a rupture with Prussia would materially injure the commerce of this country, and that one of its first consequences would be the shutting of the ports of the North against the English trade. At the same time, she vainly flattered herself, that Prussia, thus forced into connection with France, could succeed, in conjunction with her, in closing the Sound against the British flag.

Prussia, however, was soon afterwards involved in a war with France, her late ally.—This event soon restored the former relations of amity with Great Britain; and peace with

the Baltic could at all venture to oppose the powerful control of French influence. Into a few of these ports, nevertheless, some trade found admittance; but, as might have been anticipated, these commercial channels were soon closed against us by the restless vigilance of our persevering and enterprizing enemy.

Prussia was signed at Memel, on the 23rd January, 1807. By the 6th article of this treaty "His Majesty the King of Prussia engages not to impede, nor to allow any other powers to impede, the free navigation of his Britannic Majesty in any of the ports of his dominions; but on the contrary, to afford full liberty to the English flag to enter into and to proceed from the above mentioned ports in the same manner, as before the late closing of the rivers Ems, Weser, and Elbe."

The disastrous events of the Prussian war obliged this power, in less than six months after the signing of the treaty of Memel, to reverse the stipulations contained in the 3rd article of that treaty.—By the 27th article of the treaty concluded between Prussia and France, at Tilsit, on the 9th of July, 1807, the British flag is again excluded from the Prussian ports.—"Until the day of the ratification of the future definitive treaty of Peace between France and England, all the countries under the dominion of his Majesty the King of Prussia, without any exception whatsoever, shall be shut against the trade and navigation of the English; no shipment to be made from any Prussian port for the British Isles, or British Colonies; nor shall any ship which sailed from England or her Colonies, be admitted into any Prussian port."

Previously to the incorporation of Holland with France, means were found, notwithstanding the steps taken by the latter to prevent our trading with the Dutch, to carry on a limited commerce with them. But since that event, the practicability of introducing merchandize of any description into that country has been very materially obstructed *.

* The mode in which the republic of Holland was first changed into a monarchy, and afterwards annexed to the French empire, furnishes a strong instance of the promptitude with which Bonaparte seizes on every pretext for the aggrandisement of his dominion.—The first intimation of a change in the form of the Dutch Government seems to have been made in the French Exposé, which appeared in the Moniteur of the 9th April, 1806. The Grand Pensionary, M. Schimmelpenninck having lost his sight, it is asked, in this Exposé, who is to be his successor? After alluding to the defects existing in the Dutch republican constitution, it is observed, that, "if the landholders, the merchants, the enlightened men, are of opinion, that they can have a representation made by the choice of the people without distinction of classes, or religion, they will create a system much more proper than the present one. If that be not their opinion, and that they think it necessary to have recourse to a *constitutional monarchy*, they will do that which will be more advantageous to their country than the preservation of their existing constitution can be."

It has long been the established practice of the French

The capture and possession of Heligoland afforded, from its contiguity to the continent, a station of some commercial importance to us, and, for a while, supplied considerable facilities for maintaining an intercourse

government to intimate, in this apparently vague and incidental way, the most important changes which it is about to effect; and, accordingly, we find, that, on the 24th of May ensuing, a treaty was concluded between Buonaparte, and their High Mightinesses, by which the Dutch constitution was completely new-modelled, and that once celebrated republic converted into a monarchy. To the formal demand of their High Mightinesses, that the crown should be conferred on Louis Buonaparte, his brother *graciously accedes*, and, in the same instrument, *solemnly guarantees to Holland the maintenance of her constitutional rights and independence.* In justice to Louis Buonaparte; it must be admitted, that during his short reign, he connived, as far as possible, and in direct violation of Buonaparte's peremptory injunctions, at such commercial relaxations as the welfare and prosperity of his subjects indispensably required. This attention to the interests of the Dutch, exposed him to the relentless displeasure of his brother, and, on the 3rd July, 1810, he resolved on the abdication of the crown in favour of his eldest son. Buonaparte, however, created the latter Grand Duke of Berg, and by a decree issued at Rambouillet, on the 9th July, 1810, Holland was united to France. The reduction of the unpaid interest of the debt for 1808 and 1809 to one third, and the payment of 50 per cent, ad valorem, on all colonial produce in Holland, constituted only a part of the benefits which the Dutch immediately derived from this union!

with an extensive line of coast. This entrepôt soon attracted the serious attention of the French Government, and the rigorous measures to which they resorted diminished and finally suppressed nearly all communication from thence with the neighbouring states.

Some commerce, however, existed with the Austrian States, and, through them, with Germany, which might have been considerably augmented, had not the communication with Austria been closed by the conditions of the peace, which she was compelled to conclude with Buonaparte *. Since then all attempts have failed to introduce British manufactures, and colonial produce into Germany, through the ports of the Adriatic.

It may be mentioned here, in passing,

* By the 7th article of the treaty of peace between Austria and France, concluded at Schoenbrun, 15th October, 1809, "His Majesty, the Emperor of the French, King of Italy, &c. engages to give no obstruction to the importation or exportation of merchandize into and from Austria, by way of the port of Fiume; this, nevertheless, not being construed to include English goods or manufactures." And by the 17th article of the same treaty, "His Majesty, the Emperor of Austria, desirous to cooperate in the restoration of a maritime peace, accedes to the prohibitory system with respect to England, adopted by France and Russia, during the present war."

that the position of Malta, was found to be very favourable for a commercial depôt. From the contiguity of several little states, our merchandize found admittance from thence into the enemy's country; but the restrictive measures enforced by the French Government finally closed these channels against us, except for the introduction of such articles as they permitted to be imported by licence.

With a view to counteract the efforts made by the enemy to exclude us from all commercial relations with the Northern Powers, the British Government, in the commencement of 1808, adopted and extended the system of licences, permitting importations from the enemy's country. It can hardly be imagined, that they were actuated by any other motive than that of securing, by opening this channel of commerce, a reciprocity of interest, and that we should thereby be enabled to export, in return, British manufactures and colonial produce. In pursuing this course, however, they might, at the same time, have had in view the supporting of the revenue, and the importation of such articles of Baltic produce as are indispensably necessary for the public service.

The licence-system would, perhaps, have been free from objections, had it produced the advantages, which, it was hoped, would have resulted from it. But licences were almost indiscriminately granted to all parties applying for them, allowing the vessels to be documented in a way that might suit the purpose of the adventurer, either in proceeding to, or returning from, the port; covering the property whether belonging to a British subject, or to any other person whatever; and sailing under colours of any Power, except those of France.

It would appear, that Government was not aware of the misapplication, of which such licences were susceptible: for they might be employed for the purpose of making direct shipments from the port of one enemy to that of another. If searched on the passage by an English cruizer, the party had only to produce his British licence to ensure his protection, and to declare his *real* documents to be *simulated* for the purpose of securing his departure for a British port.

If, for example, a vessel, furnished with a British licence, should be actually laden, in a Russian port, for Amsterdam, for the account of the enemy, and should be met by an

English ship of war, the production of the British licence would answer the object of protecting that vessel from the consequences of detention or capture. For, in this case, though the documents be authentic, yet as simulated* foreign papers are allowed by her licence for the purpose of carrying on a direct trade to England, the *real* documents would be declared *simulated,* for the protection of the adventure; and should the master of the vessel have lost the opportunity of slipping into an enemy's port, in conformity to his real destination, the greatest inconvenience he could possibly sustain, would be that of bringing his cargo to an English market.†

* The words in the licence are "*notwithstanding all the the documents which accompany the ship and cargo may represent the same to be destined to any neutral or hostile port, and to whomsoever such property may appear to belong.*"

† Licences contained the following provision "If the cargo be destined for Ireland, the vessel shall sail north about; but if any part of the import cargo of the said vessel consist of naval stores, and be destined for any port of this kingdom lying to the south of the port of Hull, the vessel shall, *unless under the protection of convoy,* stop at Dundee or Leith, and and there obtain a fresh clearance for the port of her destination; and provided further, that the said vessel shall not sail from Dundee or Leith without convoy, and shall proceed with such convoy, and not desert the same, till her arrival at

By the abuse, too, of which the licence-system is susceptible, the enemy is enabled, to a certain extent, to carry on a trade, by means of neutrals, from one hostile port to another, for the prevention of which an order of council was issued on the 7th of January, 1807, and which order has since been made the subject of a remonstrance by the American Government.

It must, consequently, be evident, from this statement, that the enemy, whom it is our policy to prevent from obtaining supplies, can thus procure them upon better terms than ourselves, and without incurring either any risk, or any expence of naval protection. For the British licence protects the enemy's pro-

the port of destination, or as long as such convoy shall be instructed to protect her." Hence it would appear, that a vessel sailing from any port in Russia, was not obliged to put herself under the protection of convoy, before her arrival upon our own coast; so that the master was more at liberty to avail himself of any favorable opportunity of reaching an enemy's port.

It is worthy of remark, that, in several cases, which have come before our courts, vessels, that have been stopped in such a direct course for an enemy's port, as to leave but little doubt of the intention of the party to enter it, have escaped condemnation by the master's prevaricating, and pleading ignorance of his actual situation.

perty from capture by British vessels, and the identity of neutral property protects it, if captured by the enemy's cruizers, from the condemnation to which vessels bound to this country would otherwise be exposed. The insurance, therefore, paid by the enemy to protect such property from risk on the voyage, is less than that which would be paid by ourselves.

The premium paid to the underwriter, upon any investment for importation, beyond that portion which is an equivalent for the sea-risk, is intended as an indemnity for capture. Though the individual may be thus insured against loss, yet this premium of insurance, being in the ratio of the riskof capture, establishes, upon general principles, the aggregate amount of loss so sustained, and which is, therefore, a charge seriously disadvantageous to the country. Is it not then a point deserving the most deliberate consideration, whether a branch of trade subjected to so heavy a burthen, ought to be continued to any large extent? The general rate of insurance from the Baltic was, last year, from 20 to 35 guineas per cent. with a return of 10 per cent. for the protection of convoy. The insurance for vessels outward bound to the Baltic, amounted from 25 to

50 guineas per cent. with the same return for naval protection. The former premium affords an estimate of the quantum of additional charge, principally arising from the risk of capture, upon importations from the Baltic; and the latter shews the extent of risk, under which the export trade to the North was conducted.

It must, however, be admitted, that, large as these premiums on the export trade appear to be, they have still proved to be inadequate to the risks of the under-writer. If, on the contrary, they had been adequate to the quantum of loss, such losses would not have been borne by this country, but by the foreign consumer, against whom the charges of insurance were made. Such heavy charges must, besides, have influenced and depressed the market price of our commodities, and consequently diminished the amount of advantage, which the country would otherwise have derived from this branch of trade.

In order to prove how injuriously British licences have been misapplied, it is only necessary to state the fact, that, in the course of the year 1810, not less than 37 vessels, provided with such licences, safely arrived from Archangel, in the ports of Holland, laden chiefly with naval stores.

These consequences might, in a great degree, have been avoided, if the British government had not adopted the plan of issuing licences indiscriminately. If they had issued them to domiciliated merchants alone, permitting the importation to be made specifically by the person taking out the licences for his own, or foreign account, and, at the same time, causing them to be so registered at the Custom-House, there would have been some security against their abuse and misapplication. By granting them to brokers, or any persons applying for them, having only indefinite and speculative objects in view, government necessarily retained no check upon such misapplication since they had no one to look to as the party immediately interested in the adventure.

A resident merchant, whether Foreign or British, would have had an interest in employing them for the particular purpose for which they were granted; and, besides, the credit and reputation of the party would have given an additional security against their misuse. A limitation of this nature would have confined the licence to its proper object, and preserved to government that control over the trade, which, it is presumed, was, at first, in

their contemplation. For if, under any circumstances, it had been found expedient to suspend the issuing of licences, the indiscriminate issue already made, would, for a certain time, necessarily defeat the object of this suspension, and serve as a bonus to speculative adventurers, to the extreme disadvantage of the regular merchant.

Again, this limitation would have confined the number of licences to the actual demand of the various branches of our import-trade. Without such restrictions, the number of licences already procured for speculative purposes, might be employed either to defeat the intentions of government, or to facilitate the commercial enterprises of the enemy. With this latter view, it is well known, that licences have been made an object of traffic in the foreign markets, and have, as already observed, been employed for this very object.

This is, in some measure, to be imputed to the general and indefinite form of the licence, which is made out in the name of the party applying for it, and authorises an importation to be effected in behalf of himself and *other merchants*; and as stated in page 29, the master of the vessel is to be permitted to proceed with his freight to any port not blockaded, though

his documents appear to be fictitious, and though the property may belong to any person whatsoever. No obligation is thus imposed on the party taking out the licence, to make use of it exclusively for the object, for which it was stated to be obtained; and, by its general form, it becomes virtually transferable, without attaching any responsibility to the party to whom it was granted, and whose credit, therefore, is not affected by its misappropriation, after he has disposed of it to another.*

If it were requisite to produce any further

* The more recent restrictions requiring the name, tonnage, and master of the vessel, to be inserted at the time the licence is taken out, make no very material change in the system, and only oblige the parties applying for licences to make earlier arrangements in order to procure them. The means and facilities of evasion remain nearly the same, with the exception of ships being required to rendezvous in Hano Bay for the purpose of placing themselves under convoy.

It is not proposed to grant licences for imports from ports to the west of the Oder, except to such vessels as shall have first taken thither cargoes from this country. But this restriction will hardly be attended with the benefit expected from it, as the commodities which would otherwise be exported from these ports, will find their way from other ports not under the same restriction, and the extra expence occasioned by the conveyance will fall on the consumer.

evidence to prove how beneficial to the enemy is the continuance of our licence-system, the decree recently issued by the Danish government would supply it. While we are vainly deluding ourselves with the hope that this decree originates in the necessity of a relaxation of the Continental system in our favor, its real object is to protect and secure to the enemy that trade, which, without the aid of British licences, would be quite annihilated *.

It is very much to be regretted, that, while we have submitted to evils of this magnitude,

* As the decree contains but few provisions, it is inserted here at length—1. All Swedish vessels, detained on account of the bill of sale not being on board, shall be released without further process.

2. Every Swedish vessel, detained merely because her destination was an English port, but which is furnished with documents by the Swedish government, as well as Swedish vessels now returning from England, laden with salt, or which are returning in ballast, shall neither be detained nor condemned.

3. Swedish vessels which sailed for England before the declaration of war was known at the Swedish port from whence the vessel was dispatched, cannot be detained, much less condemned.

4. A Swedish vessel cannot be condemned merely for having used an English licence.

5. Swedish vessels, suspected of having availed themselves

we have in a great measure failed in the main object, for which, it is presumed, the licence system was established; for, after all, we have succeeded in effecting but a very partial introduction of British manufactures and colonial produce on the Continent; and that only in the earlier stages of this arrangement; while, on the other hand, the enemy has derived from it many important advantages, of which the peculiar nature of the system enabled him to avail himself.

The success that had attended the earlier investments induced, at the commencement of last year, a number of persons to embark in extensive speculations in the shipment of goods for the Baltic, especially to the ports of Russia and Prussia. Previous to this period, a very considerable number of vessels provided with simulated documents found admittance into the Russian ports;—a few ships only excepted; and that government manifestly connived at the export trade, which they could not but have known to

of English convoys, cannot be condemned without proofs the most incontestible.

This decree is without a date; but it appears to have been issued about the 12th of February last.

have been destined principally for this country. This, indeed, is quite evident, since they required no confirmation by certificate of the discharge having been actually made at the ports, for which the vessels had ostensibly cleared out, nor imposed any penalty either of punishment or fine, in defect of proof of such vessels having been so discharged, or lost at sea, or diverted from their destination by capture. It is true, that some arrangement of this kind was projected shortly after the rupture between this country and Russia; but it does not appear that such proof was in any instance demanded.

It was very naturally inferred, that, in common justice, they would have connived at the continued introduction of colonial produce and other goods, similarly documented. The magnitude of these investments, which presented to the grasp of avarice too tempting an object to be withstood, especially when their seizure was urged by the partizans of the French government, made them altogether lose sight of the dictates of a sound and liberal policy. After such flagrant proceedings, it was too much to expect, that the British government would permit the continuance of that branch of

commerce, which appears to be so essential to the prosperity, and, perhaps, even to the existence of the Russian Empire.

To prove that Russia feels herself the necessity of encouraging to the utmost extent the exportation of her produce, it is only necessary to point out the nice distinction that Cabinet found it expedient to make in their decision, after the sequestration of these ships, and their cargoes.—Though they discovered the documents to be false, and the cargoes to have been manifestly shipped from this country, which, by the laws of the Russian Empire, would have subjected both ship and cargo to confiscation, yet, as the vessels appeared by their documents to be neutral property, they affected to make a distinction in favor of their liberation, and *permitted them to take in fresh cargoes*, which they must indisputably have known would, for the most part, reach this country.

If a stronger illustration were required of the absolute necessity which is felt in Russia for the exportation of her produce, it might be supplied by a reference to the last imperial edict *, promulgated by the Ca-

* Manifest über den Einfuhr—und Ausfuhr—handel des Russischen Reichs für das Jahr, 1811.

binet of St. Petersburgh, for the regulation of the export and import trade of the empire; and which edict was to take effect from the 1st of January of the present year. The provisions contained in it were the result of a solemn deliberation of a council assembled for the purpose of investigating the causes of the existing depreciation in the circulating medium of the empire, and of determining on the best modes of counteracting the growing evil. An excessive importation was considered to be one of the principal causes of this depreciation *, and, in consequence, every manufacture of importance, except cotton twist, and every other article not of the first necessity, was prohibited to be imported. Those articles of which the importation was allowed, were permitted to be brought only from allied or neutral powers. On the other

* Such a circumstance would, without doubt, very much contribute to produce this effect, but to a much less extent than is there declared to be the case. The chief cause of this depreciation is an arbitrary and excessive issue of paper, without any value corresponding to that which it represents; especially as it is to her export trade, that Russia must exclusively look for the means of meeting the charges on her imports, and the demands for her foreign expenditure; but, however large that trade may be, it is still found to be inadequate to these objects.

hand, however, not only were all articles, which were formerly allowed to be exported, permitted to be exported with some reduction of duty, but those which were formerly prohibited, are now allowed, with the exception of horses, and the coin of the empire. The Russian government professes, at the same time, to confine both their export and import trade exclusively to their allies and neutral powers. With what rigor the former branch of their commerce is likely to be executed, may easily be conceived from their former connivance at an export trade to this country, and from the declared exigencies of that state, should our government be unwisely disposed to put to the test the sincerity of their declarations.

With respect to Prussia, it is to be observed, that the repeated admission into her ports of vessels with British and colonial produce, led to a sanguine hope of an uninterrupted continuance of similar commercial facilities, notwithstanding the decree of that Cabinet against the importation of colonial produce in any ships not belonging to, nor coming from America. To the enactment of this decree Prussia was urged, about the beginning of last year, by the compulsory and peremp-

tory demands of the French government, and she was further compelled to submit to the sacrifice of her transit trade, and subject all her importations to the immediate payment of the home-consumption duties. Although this measure was adopted, the early arrivals met pretty generally with a favorable reception in the Prussian ports.

This circumstance could not fail to encourage further and considerable exports to that country, and very large shipments took place, and proceeded by successive convoys intended for the Baltic, as far as the port of Gottenburgh, where, by a regulation of the Admiralty, these vessels rendezvoused, for the purpose of being afterwards provided with fresh protection for that sea. It is certainly to be regretted, that such an arrangement was ever adopted; for, if these vessels had proceeded, as they left England, with their convoys direct for the Baltic, it is probable that they would have arrived in the Prussian ports nearly in the succession in which they left this country, and that the merchants would have been less disappointed in their expectations. In this case, the fate of these commercial expeditions might have been determined by only a partial sequestra-

tion, and the calamitous consequences which have attended the arrival of the whole fleet, would thereby have been in a great measure obviated.

It is but an act of justice to the naval commander on that station to acknowledge, that to him no blame appears to be imputable for not dispatching the various fleets, which had assembled at Gottenburgh, at early periods of the season, as the weather and other circumstances might have permitted. Several attempts, indeed, were made, but without success, to take the fleets through the Belt. Before their final departure in October, the fleets at Gottenburgh accumulated to about 650 sail, and were further joined, before they had passed through the Belt, by a second fleet, amounting to about 150 ships, which left Gottenburgh on the 23rd of October, 1810. A considerable force, was sent for the protection of these vessels; but the passage of so large a fleet could hardly be expected to be effected, without incurring many losses by capture.—The sea risk also was much increased, at so late a period of the year, by so large an accumulation of shipping.

It is to be lamented, that Gottenburgh was

chosen as the port of rendezvous, as, from its locality, it is but little suited to such an object.—It would perhaps have been advisable to have pursued a very different course. A proper naval force, stationed in the Belt, would have answered the two-fold purpose of watching the enemy, and protecting our fleets, which might, with safety, have then been directed to proceed direct from England to their destination. Their detention on the passage would thus have been avoided, because the delays incident to going into port, and taking a fresh departure, as a fleet, would not have occurred.

The state of things in Prussia being daily less favourable to our interests, (a circumstance of general notoriety) and with the example before our eyes of the sequestrations in the Russian ports, it became a question of very doubtful policy, whether or not so numerous and valuable a fleet should, under such circumstances, have been permitted to proceed on its voyage; especially as, on many accounts, its safe arrival could hardly fail to be defeated by the vigilance of the French government. This can scarcely be called reasoning from the event; for the ultimate failure of these ex-

peditions might have been obviously anticipated, from a variety of circumstances affecting the condition of the Northern States, but particularly from the great ascendancy of French influence in all the commercial measures, to which these powers were forced to resort. As might, therefore, have been foreseen, the vessels, as they arrived in the ports of Prussia, and other minor Baltic states under the control, or rather under the command, of the French government, were immediately put under sequestration; and, in many cases, condemnation followed. In those yet undetermined, there exists but little chance of restitution. Indeed, were restitution made, the compulsory adoption of the Continental system, to its fullest extent, would make it, by the duties imposed by the French decree, in most instances scarcely less disadvantageous than actual condemnation.

It thus appears, that all our attempts to attain a reciprocity of commercial benefit, by encouraging, upon the foregoing system, a trade to the Baltic, have only added to the difficulties, to which this country has been exposed; and have involved us in embarrassments to a most injurious, and even

alarming extent. From the preceding statement, it is obvious, that, how expedient soever it might originally have been to try the effect of a system of trade with the Northern Powers, by means of licences; the result has shewn, that it has not only failed in the object it was intended to accomplish, but has been productive of much serious injury to our commercial interests. As an experiment, a trial of this kind was not perhaps, exposed, at first, to any very serious objections, notwithstanding the issue of it had been anticipated by persons of intelligence, who were aware of the line of policy which would be forced on the Northern Powers, by the new relations in which they stood to the government of France; yet, when this new line of policy became more explicitly manifested, it is to be regretted, that the British government should have so long persevered in the licence-system, and should since, after much deliberation, have determined on its further continuance.

It cannot be doubted that such a system has been most injurious to the true interests of this country, and was in a peculiar degree calculated to promote the views of the Northern States. They have been enabled

by it to carry on their commercial operations with us, and have besides obtained through it the advantage of an extensive intercourse with each other, and with many of the dependencies of the common enemy, at the very time that they were engaged in very active hostility against this country. It has been shewn, too, that the risk of maintaining such an intercourse has been very trifling, since, as has been already stated, it only exposed the party, detained and suspected of it, to the inconvenience of proceeding with his cargo to a British port.

It has also been hinted, that this trade was of the utmost importance to at least the principal, if not the whole of the Northern States; and, as far as Russia was concerned in it, that it was perhaps necessary to her existence. At the same time that we were forwarding the views of these powers, we were, unfortunately for ourselves, pursuing a system, not only prejudicial to our own property, but latterly destitute of all reciprocity, and consequently justifiable only upon the ground of some exigency of paramount consideration.

Whether or not there existed a continuation of this necessity, requiring so hazard-

ous a departure from sound policy, (which ought surely never to lose sight of a reciprocity of commercial benefit,) is a point which demands further examination. The adoption of this line of policy might have been originally suggested by some of the following views.

The necessity for the importation of supplies from the Baltic.

The deriving of revenue from this traffic.

An expectation of reciprocity of commercial interest.

The policy of a system of lenity towards the Northern States.

With regard to the first point, it may be asserted, that, however important the trade from the Baltic may be as a branch of our general commerce, it is not to be doubted, that we could render ourselves independent of all the supplies we derive from it, with the exception, perhaps, of hemp, and occasional importations of corn.

Whether or not government was in a situation, at the commencement of the licence system, to dispense with further supplies of hemp, at least for any considerable period of time, is a point upon which they alone are accurately informed. If, however, they did not then feel themselves in a posture to

maintain this independence, they since have, unquestionably, had opportunities of obtaining such supplies, and might have thus obviated that necessity, which may have biassed their judgment upon the question. If, therefore, such opportunities have been unwisely neglected, it would be the more difficult to defend the policy of continuing the licence-trade, which, having been prosecuted without obtaining sufficient supplies, must have exposed us to the disadvantage of carrying on an injurious branch of commerce, without relieving us from that state of dependence on the Northern Powers, from which it was manifestly our policy to emancipate ourselves.

It was, at all events, desirable, that the licences should have been strictly confined to the exclusive importation of articles of the first necessity. Such a partial exportation might, at first, have been resisted by the Northern Powers, and might have created some difficulties in the prosecution of that commercial intercourse, which had been connived at with this country. The encouragement, however, which, under these circumstances, would have been given, at home, to such importations, would certainly have

procured large supplies of these commodities, unless, indeed, the Northern States, should have attempted to prevent them, by absolutely interdicting all exportation whatever of Baltic produce. It is hardly reasonable to imagine, that they would have resorted to such a measure. Russia, especially, could scarcely have ventured on this step;—for she has since declared it expedient to give every sort of encouragement to her export-trade.

It is not improbable, that the price of these articles would have been materially enhanced by the above mentioned restriction. Great, however, as would have been the disadvantage arising from this circumstance, it would nevertheless have been a less evil than that of permitting a general importation of commodities, which do not come within the range of articles of the first necessity. Indeed, there is one material advantage which would arise out of this enhancement of price, in the article of hemp. It would hold out so great a degree of encouragement for its growth in our own possessions, and the importation of it from these and other parts, that the country would soon be in possession of a supply of it sufficient to meet all its demands; especially, as it is impossible not to give the government credit for a stock on hand

large enough to meet all public exigencies, until the period should arrive, when such fresh supplies would be received. The plan would thus be effectually prepared for rendering this country independent of Russia, for all supplies of hemp; and it would, at the same time, very materially affect the prosperity of that empire, by striking at the root of her staple commodity, unless seeing her error, she should be induced to found her commercial intercourse with this country on the basis of mutual advantage.

It is a circumstance to be regretted, that our attention has not been earlier directed to this object, as the amicable intercourse between Great Britain and Russia had experienced several short interruptions, all of which ought naturally to have had the effect of impressing on us the necessity of endeavouring to render ourselves independent of all importations from the Russian Empire. The more recent misunderstanding with that power, during the short and capricious reign of the late emperor, Paul, was particularly calculated to force this object upon our consideration; both from the critical state of our affairs at that time, and the comparatively formidable extent of the enemy's maritime

force. Though the two countries were restored to a state of amity on the accession of Alexander, yet, the character of the various discussions which afterwards arose between the cabinets of St. James's and St. Petersburgh, only presented an additional motive for endeavouring to render ourselves independent of Russia, especially as our influence in that quarter had long been manifestly declining.

In illustration of the efficacy or practicability of a restricted plan of importation, reference need only be made to the example of the French Government. The actual trade between this country and France is precisely under the limitation of this principle. They restrict their importations from hence to but few commodities, but we have not, for this reason, thought proper to object to such exportations, merely because they are under such a limitation, nor because they may appear to be articles, with which it is absolutely necessary for them to be supplied. Such exportations are, in the end, beneficial to us, and, in permitting them, we are more determined by the advantage which we ourselves derive from them, than influenced by any consideration of the benefit, which may thus accrue to the enemy.

At the commencement of the extended licence-system in the year 1808, it was very doubtful how far a trade with the powers in the Baltic would succeed under such permissions. This apprehension so far confined the investments of merchants trading in that direction, as to render the importations for that year but very limited. The natural consequence of this was, that all Baltic produce rose to an excessively high price. This produced, as might be expected, a speculative mania for commercial enterprizes from the north; and, in 1809, an excessive importation ensued; the result of which was extremely injurious to the parties embarked in it.

The losses experienced in the course of that year, did not, in the year following, deter others from embarking in the same trade, and that to a very large amount; and, though under more favourable circumstances, the result has been productive of little good, and, in many instances, it has only tended to increase the difficulties with which the former speculators were embarrassed.

By these excessive importations, the British Government may have been misled, both as to the effective demand for these commo-

dities, and as to the apparently flourishing aspect, which they gave to that branch of our general commerce; while, in fact, we have been, and are at this time, overwhelmed with most articles of Baltic produce, to the great detriment of those branches of our commerce, which come into more immediate collision with this trade, and in which the industry and capital of British subjects are more directly employed.

A further importation of Baltic produce, too, would only increase the embarrassments of the present holders of it. It might, indeed, be urged, that, under the actual circumstances of that trade, no one would be hardy enough to embark in fresh speculations; but, as these Northern productions are consumed chiefly in this country, the foreign holder may be induced to dispose of them at a reduced price, or may at once adventure them to this market, on his own account. By such importations, the existing pressure would only be increased, to the greater injury of the former unsuccessful adventurers; for the general consumption of Baltic articles has been materially lessened by the failure of our export-trade and the consequent languor of our manufactures.

Though it may be urged, that corn is an article of the first necessity, and that for its importation a licence-trade to the Baltic ought to be encouraged, yet it would, perhaps, be difficult to give validity to such an argument. The cost of the corn itself, the charges of freight, and the price of insurance, have so much increased its value, that, under the present or similar circumstances, but little can be expected from that quarter. Any regulations, therefore, founded upon the licence-system, for the importation of corn from the Baltic, are not now likely to be efficacious; and, consequently, the expectation of procuring supplies of it from thence, affords no additional motive for persevering in that system. Should importations of corn, however, be necessarily required, specific licences might be granted expressly for this purpose; and if the English market afforded a prospect of sufficient advantage, it might doubtless be procured in this way as effectually as by any other arrangement.

There is no doubt, too, that an abundant importation of tallow, hides, horse-hair, &c. may be effected from the Spanish and Portuguese settlements. Barilla and flax-seed may be obtained from Sicily; timber and ashes

from our own possessions in America, with the further advantage of procuring timber from the United States, and the Spanish ports on the southern coast. Flax-seed may also be had from the United States, and may be, and indeed is, produced in considerable quantities at home. With due encouragement for the further growth of flax, it might be cultivated to an adequate extent for the supply of all demands for the linen manufacture in general. It is of importance to observe, that, by this mode of procuring supplies of these commodities, we encourage domestic industry, as well as that of our foreign possessions; we promote our shipping interest, and, in no instance, lose sight of a reciprocity of commercial intercourse.

With regard to America, however, the enforcement of their newly adopted non-importation act may unfortunately suspend all commerce with that country. Such a measure should naturally impose on us, in the event of its revival, a determination to admit of its being conducted only on the basis of mutual advantage.

From what has been advanced it may safely be affirmed, that there exists no direct and absolute necessity for the importation of Baltic produce, not even of hemp itself, sufficient

supplies of which might unquestionably be obtained, if proper encouragement were given, for this purpose, to its growth at home, and for its cultivation and importation from our foreign possessions, and from States in amity with this country.

As to the deriving of revenue from Baltic importations, it may be fairly admitted, that the amount of the duties arising from them has certainly been considerable. With reference, however, to the magnitude and extent of this branch of our commerce, the revenue which it has produced, forms but a small per centage on the whole amount, as many of these articles are subject only to very moderate duties, and others, upon which larger duties are imposed, are in great part consumed by the government itself. It is to hemp and timber that allusion is here principally made.

Disadvantageous then as the Baltic trade in general appears to have been for a considerable time past, it naturally becomes a question of policy, as well as economy, whether so large a portion of our naval force would have been necessary in the North Sea and the Baltic, unless required for the protection of this trade; and also, what part of this expendi-

ture might have been saved, if this unprofitable commerce had not been prosecuted; and the force employed for its protection directed to other and more useful objects? If any saving could thus have been made, is it not fair to consider that part of the expenditure, which might have been so avoided, as a charge against the revenue collected from such importations?

Leaving this question unconsidered, the answer to which, however, is sufficiently obvious, it will be easy to shew, that the revenue derived from this source, is as fallacious, as the trade itself has been pernicious in its effects on the country at large.

It may be expedient, in treating of this subject, to touch on the general principles, upon which reciprocity in commerce is properly founded.

Unless a country, for instance, can furnish, in return for its importations, an equivalent in her own productions, or in what she may have procured from other countries in return for her own, she is necessarily obliged to resort to the exportation of bullion, or of her current coin, to supply this deficiency. If the produce of our industry could at any time provide us with a supply of bullion equal to

the demand for any specific trade, the exportation of bullion for this purpose would be in itself a circumstance of no importance. Even the temporary absence of the bullion would, under circumstances of ordinary commercial prosperity, be no evil whatever, as it would probably soon be restored by the fluctuations of commerce. But the actual situation of the country, as to its commercial affairs, is by no means an ordinary situation; and, therefore, it would be most unreasonable to expect, that the bullion exported for this purpose could be returned by any such commercial reaction.

The enemy, it is well known, has long imported from this country but few commodities, and those only of the first necessity; and seems determined to limit, for the future, his importations to such supplies only. We, on the contrary, have admitted, particularly from the Baltic, almost every thing, without the limitation of this salutary restriction. The enemy is perfectly aware that this state of commerce must undermine the prosperity of this country, and will, therefore, no doubt persist in the system, upon which he has long been acting, from a conviction that it must sooner or later press on some vital

point. For he well knows, that the effects of such a system of commerce will enhance the price of bullion; and, consequently, the coin of the country must disappear, the paper currency become relatively more depreciated, and the course of the foreign exchanges daily more unfavorable.

That such effects have already been very sensibly felt, it is impossible to deny, and to an extent that has produced a considerable degree of public alarm.

The price of bullion, as connected with the issues of the Bank, has been made a subject of public enquiry, and since the investigation was instituted and completed, a further and very material advance of its price has taken place.

In 1807, the exchange on Hamburgh was about par; consequently, a pound sterling would purchase a bill on Hamburgh for 13 marks banco. This state of the exchange continued during the greater part of 1808, without any material fluctuation, but experienced a progressive decline, towards the close of that year, to nearly 12 per cent. It remained almost stationary till May, 1809; from this period it suffered a further decline, which at the close of that year amounted to 10 per cent.;

but, in June of the following year, it experienced an advance which restored it to the state in which it stood in the month of May, 1809. Before the close of 1810, it fell again somewhat more than 10 per cent, and since then it has fallen, during the first two months of the present year, very nearly 18 per cent. A pound sterling will consequently now purchase, at the current exchange, only 8 marks, 10 stivers, banco; being 4 marks, 6 stivers less than could have been procured for a pound sterling in 1807, and therefore amounting to one third less than could have been obtained for it at that time.

Although it may be admitted, that the demands of government for our foreign expenditure may have been one cause of the advance in the price of bullion, and instrumental to the depreciation in the foreign exchanges, yet it cannot be denied, that the unnatural state of our commerce, though not the sole, is the primary cause of this depreciation, and has very materially contributed to enhance the price of bullion itself. That this effect was not immediately occasioned, to any alarming extent, as has been the case since the commencement of the present year, may be attributed to the following

causes. It has been already shewn, that some trade found admittance into the Baltic ports;—that Heligoland afforded facilities for the introduction of goods upon the Continent; that some partial trade existed in the Adriatic; that Malta opened also some channels of commerce; and that Holland, at different times, permitted importations of merchandize. The reduced prices of colonial produce held out an inducement to the investment of foreign capital in this country, and that to some extent; and the next, and not an immaterial circumstance, is the amount of the floating demands and property of British merchants on the Continent, at the time that the licence-system commenced. It may also be added, that, at that period, too, this country was not altogether drained of foreign coin and bullion. These various resources counteracted in some degree the effects which would otherwise have resulted from that unnatural state of commerce, to which allusion has so repeatedly been made.

But as they now no longer exist, and as there is no prospect of a change, by which the disadvantageous effects of an extensive import trade could be obviated, the lamentable consequences of a perseverance in such a

system are but too clear, as to the further impression they would make on the price of bullion, the rate of exchange, and the relative depreciation of our paper currency.

While circumstances of this nature affect the commerce and circulating medium of the country, no laws, however rigorously enforced, can be expected to prevent the disappearance of our coin. If a guinea will produce abroad as much as could be purchased by taking a bill, at the current exchange, for 30 shillings, it is quite impossible to retain the gold coin in the country, while there exists so powerful a temptation to export it. The price of bullion must necessarily, from the same cause, experience a similar enhancement in value.

To these points, it would seem, that the Bullion Committee, did not attach so much importance, as they appear to claim from their intimate relation to the subject of their investigation. Were it possible, under the actual state of the country, for the Bank to resume its payments in specie, it would, no doubt, for a time produce a beneficial effect on our foreign exchanges. But this effect would merely be the result of the illicit exportation of our specie, and would soon

cease after all the specie thus put into circulation was exhausted by this clandestine exportation. Nor can it be expected, that the rate of the foreign exchanges would advance so as to prevent the conveyance of the coin out of the country, until the real amount of our exportations should provide an equivalent to meet the charges of our importations, and the demands of government for foreign service.

The situation of affairs at home, too, would then become infinitely mo-e embarrassing by the absolute necessity, under which the Bank would find itself to discontinue its issues, and to require, at the same time, the repayment of its demands on government. This would, of course, go to the extinction of the notes, which they had issued to the latter. With regard to the accommodation afforded to the merchants, the repayment of the Bank issues would be effected when the securities, upon which the accommodation was granted, became due. But it never could be in the contemplation of the Bank to hazard any issues, for which they might be liable to be called upon to pay in specie, unless it would return to them in the ordinary course of their transactions. This extraordinary check would be severely

and generally felt, as the reduction of this circulating medium would be confined not merely to the Bank, but would affect the general circulation of individuals, who would no longer hazard an issue of paper, for which they had not the means of providing payment in coin. Thus the country would be placed in the situation of not having a circulating medium adequate to its wants.

As intimately connected with this subject a few further observations may not be misplaced, to shew the improbability, even in the event of a beneficial change in our commercial affairs, of any speedy remedy being provided by this change, for the injury which has already been sustained. At a time when we have benefited the enemy by importations from the continent, for which, in the case of many articles, prices unprecedentedly high have been paid, and without, as has been already shewn, much reciprocity of commercial interest, (which latter circumstance has necessarily occasioned an advance in the price of bullion, and a depression in our foreign exchanges) our own merchandise has been materially declining in value. In most cases this reduction in price has scarcely been less than one third; and, with respect to colonial produce,

it has been still greater, excepting in the article of *British plantation-sugars*. This is to be attributed to the regulation, which Parliament very judiciously adopted, of permitting it to be employed in distillation, and restricting the use of corn for that purpose*. It must be here remarked that, notwithstanding the objections made to the measure by the landed interest of this country, it is nevertheless founded on the soundest policy, under the existing state of our foreign commercial relations. It answers the very important and twofold purpose of rendering the nation less dependent on other countries for an importation of grain, and, at the same time, relieves us from a more burthensome accumulation of that article at home. By thus providing a source of relief to the West India planter, we are not losing sight of the policy of giving due encouragement to our own manufactures; for, while domestic industry is thus promoted,

* A more recent regulation has been adopted, by which the distillation of corn and sugar are both allowed; subject, however, to a certain limitation of price. This modification was introduced, to satisfy those who complained of an advantage, which the mercantile part of the community derived from the distillation of sugar, at the expence, and to the injury of the landed interest.

the former is the better enabled to pay for the supplies wanted in our colonial possessions.

The actual state of the continent, with respect to the consumption of foreign produce, is that of compulsory forbearance. May not this ultimately occasion a disuse of many articles of consumption, with which they used to be supplied from this country, and at the same time lead to the substitution of others in the place of such supplies? In proportion to the extent of this forbearance is the amount of accumulation of produce in this country; which is the true cause of its diminution in value. Is it then reasonable to expect, that, with such an extraordinary accumulation in quantity, any new order of commercial relations, however favourable, could re-establish the former value of these commodities, to an extent that would have the effect of providing a counterpoise to the mischief which has already been done, especially as the amount of our export trade, before this great reduction of price, does not appear to have been more than equivalent to the demands arising from our import trade, and the wants of government for subsidies, and for the various other objects of foreign ex-

penditure. It is hardly possible to conceive that any demand should arise, by which this enormous accumulation of stock would be materially reduced, unless the ports of the continent were generally re-opened to us, and an extraordinary consumption encouraged by a continuance of the present extreme reduction of price.

From what has been advanced, it is manifest, that this injurious state of trade has in a great degree contributed to produce the the present high price of bullion, the depression of the foreign exchanges, and the disappearance of our coin. In a proportionate degree, therefore, it could not fail, to multiply the embarrassments of government, and to increase very largely the amount of their foreign expenditure, especially for that part of it required for the maintenance of the British force employed on foreign service.

Without pretending to state the rate of exchange, at which the commissariat department at Malta may *have* issued bills, it is matter of notoriety, that the contractors and holders of such bills were negotiating them at the rate of 72d for 30 scudis, being at the rate of 74d per Spanish dollar, the latter

being in circulation at 31 scudis. This was the course of exchange in December, 1810. and it was then expected to become more unfavorable; whereas, in the same month of the preceding year, the exchange at Malta was at the rate of only 56d, and had, at no antecedent period, exceeded 61d. The supplies, however, sent thither by government, appear, for some years preceding, to have kept the course of exchange within reasonable bounds; but, though these supplies in 1810 were so considerable as to reduce the exchange in the month of March to 54½d, yet in less than two months from that period it advanced to 65.

This statement, clearly proves the insufficiency of our means of procuring supplies of bullion for the foreign demands upon government. Notwithstanding the difficulties which oppose the execution of such an attempt, it appears manifest that the purchase of bullion, as far as it is practicable, to meet such demands, would still be in the end a more economical mode of expenditure, though it should produce a further and material advance in the price of bullion, so long as that price, together with the expence of conveyance, continued less than the rate of exchange, at which government bills are issued for the

same object. If we have to encounter such disadvantages in pecuniary transactions with our own foreign possessions, it cannot be expected, that, in similar transactions with other countries, we should be less exposed to the same inconvenience.

If then, in the system pursued by government for the regulation and extension of our trade with the Northern Powers, a continuation of revenue derivable from this trade, was the principal object of their policy, it must appear, from the preceding statements, that the increase in our foreign expenditure occasioned by the increased depression of the foreign exchanges, and the enhanced price of bullion, (and which latter circumstances have been in part caused by the very nature of our commerce with the Northern States) has very far exceeded the amount of revenue, which has been collected from our commerce with those countries. However alarming to this commercial nation a defalcation in any branch of the revenue may be, it would still be more consonant to sound policy to provide against this defalcation by any legitimate means, rather than expose ourselves to the risk of prosecuting a system of which it is impossible to foresee the consequences; by which we incur an

expenditure of more magnitude, than the amount of this defalcation; and for which expenditure provision must in the end be made.

With regard to a reciprocity of commercial interest, so much has been said incidentally, in the course of the preceding pages, that it will not be necessary to introduce in this place more than a few words in addition to what has been advanced. It has already been shewn, that but little has existed in our trade with the Northern Powers; and that, instead of affording any considerable advantages to the parties embarked in it, it has been productive of material loss to them and to the country. Such a result might have been anticipated, without the aid of any extraordinary sagacity or foresight; for the hostile proceedings of the enemy were chiefly directed to the object of entirely excluding British commerce from the continent, though, in order to effect this, it was necessary that he should expose himself to the consequences arising from an attempt to put an end to all foreign commerce altogether. But though his measures for this purpose have been extremely severe, and his imposts very oppressive; yet, the temptation to engage in this

illicit trade was so great, from the immense profits that attended it, that an exportation of goods to the continent was still not impracticable. This led to the enactment of fresh and more violent measures; new duties amounting to between 40 and 50 per cent were levied on all colonial produce, already in the dominions immediately subjected to his power; and finally, decrees were passed for the confiscation and burning of British manufactures. The effects of these extreme measures, though dictated by blind folly and senseless passion, could not fail to be felt by the parties engaged in such exportations.

Though very large exports of colonial produce were made in 1809, they furnish no just criterion, by which an estimate can be made of that proportion of their amount, which may properly be considered as an available balance in our favour, in order to meet the charges arising from our import trade. It would not even be difficult to prove, that a very considerable part of these exports never reached the continent, but formed an accumulation in Heligoland and Sweden, and were still lying there in 1810.

A large proportion of these exports were

made to ports on a line of coast not within the Baltic, and would have been effected independently of any commercial transactions with the Northern States. Any balance therefore arising to us from this branch of our trade, would have supplied a provision towards our wants in general; and, so far, would have checked the depression in the foreign exchange, and the consequent advance in the price of bullion. This would have been a seasonable resource to the country, had it not been counteracted by excessive importations from the Baltic, which were made under the sanction of the licences issued for that purpose by Government.

It is of great importance to observe, that another effect of the licence-system has been the employment, and consequent encouragement we have given by it to foreign shipping, and the formation of foreign sailors: for the licences permit the navigation of all descriptions of vessels, not French. Have we not therefore in a great measure lost sight of the advantages which the enemy must thus ultimately derive, and of the injury which we may ultimately sustain, from such a system? May not the future interests and safety of the country be hazarded by

the encouragement thus given to an increase of foreign shipping, and to this nursery for foreign mariners? This is perhaps a greater evil than we incur by the general importation and consumption of their goods, though, in this alone, we promote, but too effectually, the interests of the enemy at our own expence.

Besides, we add very considerably to our financial difficulties, by the payment of the balance of the freights to be remitted to the foreign ship owner, which have been most exorbitant, and in 1809 amounted, with respect to the article of hemp, to nearly the first cost of the cargo itself. We have thus given activity to foreign shipping which would have otherwise been unemployed, and have consequently so far furnished the enemy with a market for all productions requisite for their equipment, and have, at the same time, protected, to a certain degree, their intercourse with each other.

Very flattering hopes might, at first, have been entertained, that the encouragement given to importations on so large a scale, would have afforded us many facilities for the exportation of our commodities; especially as the whole system of a licence-trade was founded on the temporary suspension of the existing laws.

But in doing this, it would have been advisable to have established it on the basis of mutual advantage, and on no other. Necessity in that case might have compelled the enemy to the admission of so fair a principle; for it could never be expected from a sense of equity;—particularly as Russia, goaded by the French Government, was incapable of acting as an independent state, and indeed discovered, by our own conduct, that it was unnecessary to purchase from us the benefit of her export trade, by the concession of an advantage in itself so perfectly just and reasonable.

That the particular views of the British government have been influenced and supported by a certain description of persons more immediately embarked in the Baltic trade, is an opinion which may be advanced on stronger grounds than those of mere probability. It is perhaps to be desired, that less confidence had been reposed in the representation of individuals, whose interest and speculative plans could hardly fail to bias their statements. A foreign merchant engaged in a project for the introduction of goods on the continent, might be confident in the successful accomplishment of his enterprize by the aid of bribery, and so long as insurances can be

effected to cover all risks, the chance of very great profits holds out to him a very strong temptation to engage in such adventures. Should his success be complete, the advantages attending it, cannot fail to be very considerable. In the event of its failure, the disadvantage he incurs is merely the amount of the loss of what he would otherwise have gained. Indeed, the representations of the parties concerned for foreign ship-owners in general required to be received with a salutary degree of caution.

It is a singular circumstanee, that since the adoption of the licence-system, the Baltic trade has been partly thrown into the hands of a class of merchants, different from those who were formerly engaged in it. Many mercantile houses of consequence are certainly embarked in it, but less on their own account, than to facilitate, by the advance of assistance, the operations of others provided with a less amount of capital. Those merchants, however, who were more fully acquainted with the nature of this trade, and particularly with Russia, shrunk from the difficulties which, under the licence-system, would naturally perplex and embarrass its operations. They shrunk from them, finding that they

could not engage in it, without hazarding a loss of that dignified and independent character, which they had been accustomed to maintain. They were; therefore, naturally unwilling to engage in a branch of commerce, lucrative as it might eventually prove, that required that every part of the business should be masked; that fictitious forms should be adopted; that places of residence should be assumed; that papers of every description should be fabricated; that the signatures of existing authorities should be counterfeited; and, to crown the whole, that the transaction should be completed by an act of bribery! Measures so derogatory to the character of an English merchant could only excite an invincible reluctance against their employment, however great the authority by which it was attempted to sanction their adoption.

The policy of pursuing a system of lenity towards the Northern Powers, would admit of much speculation; but it may here be necessary to introduce on this point, only a few words. It is evident, that the policy or impolicy of softening our measures of hostility against them, must depend entirely upon those circumstances, which might actually indicate on their part a disposition of returning amity

towards this country, or upon the probable occurrence of political events, which might render it expedient for them to change their political system altogether.

The sentiments of the government in Prussia and Sweden are, perhaps, the least hostile to this country; in Russia and Denmark the case may be different; but yet the conduct of their respective cabinets may be much influenced by the events of the times; and if a change of system should promise them any political advantage, the return to an amicable understanding with England would, probably, not be a task of any great difficulty.

All things considered, it might not be unwise to continue to act with lenity towards Denmark, Sweden, and Prussia. To the first we owe it, in some measure, as a partial atonement for the injury, though perhaps necessarily inflicted, which she sustained at our hands. To Sweden and Prussia, the same course of mitigated hostility may be proper to be pursued, from regard to the relations of friendship which so long subsisted between these states and ourselves, and which could no longer be preserved, when their independence was sacrificed to the misfortunes of the times.

With regard to Russia, however violent the sentiment of hostility may be, which she may entertain against this country, there can be no doubt, that, whenever she may find it expedient to adopt a different line of conduct, all her hostility will readily subside into complete subservience to the new tone of policy she may find it expedient to pursue. Whenever, therefore, her political views require it, we may rely with unerring certainty on the disposition she will then manifest to accommodate all existing differences with Great Britain.

Before such change may, however, take place in her political system, her commercial code, if we should observe towards her the same lenity which might, with propriety, characterise our conduct towards the other Northern Powers, may be modified and enforced, in such a way, as to secure to herself every benefit, and expose this country to every convenience.

It was conceived by many very intelligent persons, intimately acquainted with the political views and commercial interests of the Russian empire, that a line of conduct diametrically opposite to that which we have pursued, would certainly have produced in Russia

an impression more favorable to our policy. For an opinion has prevailed there, that our very existence depended on the maintenance of a commercial intercourse with that empire, and that our exigencies are such as would make it indispensably requisite for us to submit to the disadvantages of trading with Russia, on such terms only as she might think proper to connive at; the mild system we have adopted seems indeed to have countenanced such an opinion.

Were it requisite, it might be shewn that a line of conduct, distinguished by a proper degree of firmness and vigor, was recommended to the British government by persons, on whose judgment every reliance might have been placed; and who, from the circumstances under which they had been employed the talents by which they were distinguished, and were assuredly competent to give sound opinions on this subject: for they were intimately acquainted with the Russian character and the views of their cabinet, and it has been clearly demonstrated by the subsequent conduct of that government, that their opinions were not erroneous.

Having, in the preceding pages, asserted, that the present very unfavorable state of the foreign exchanges, and the consequent advance of the price of bullion, originate from the actual situation of our commercial affairs, and from the demands of the British government for our foreign expenditure, it may be necessary to advert more particularly to this subject, especially as it appears from the report made by Mr. Irwing, the Inspector General of the Customs, to the Select Committee appointed to enquire into the high price of gold bullion, that the general balance of trade in favor of Great Britain had, in the five years, from 1805 to 1809, inclusive, exceeded, in *real* value, the sum of 50,000,000*l.**; and the balance of trade to the continent, for the same period, amounted to the sum of only 8,800,000*l.*, as estimated upon the same principle of valuation. But the *official* value of exports to, and imports from the continent, for the same period, appears to leave a balance in favor of this country, of 36,400,000*l.*†;

* Appendix to the report of the Bullion Committee, No. 73.

† Appendix, Nos. 75 and 76. The difference in the *real* and *official* value is so considerable, that, besides the above

it is upon the latter, that the Select Committee have grounded some of their arguments*, although the scale†, upon which this official value is computed, was formed so far back as the year 1696, when the office of Inspector General of Exports and Imports was established, and since that time it has undergone no alteration.

It appears from the evidence of Mr. Irwing,

reference to the appendix, it may be necessary to shew, in this place, in what manner this estimate is formed.

The *official* value of the *exports* from Great Britain to the continent, for the years 1805 to 1809, inclusive, is stated to be -	£ 76,374,511
The *official* value of the *imports*, for the same period, amounts to - -	39,941,943
The balance of continental trade in our favor, is, in *official* value, for this period -	36,432,568
The *real* value of *exports* to the continent for the same period is stated to amount to	94,577,157
The *real* value of *imports* from the continent for this period, is estimated at -	85,769,741
The balance of the continental trade in favor of this country, for 5 years, appears, therefore, to amount, in *real* value, only to the sum of - - - -	8,807,416

* Bullion Report, p. 13.

† Appendix, p. 138.

that the difference in the real and official value of exports in British manufactures, is to be estimated at 45 to 50 per cent, but that on foreign goods imported into the country, it should be estimated at a much higher sum. With respect to West India articles, the difference between their real and official value is not computed at more than 15 or 20 per cent. This explanation will in some measure account for the great difference stated to exist in the real and official value of our exports to, and imports from the continent, for the five years, from 1805 to 1809, inclusive. Nor can the Inspector General be widely wrong in the principle on which their real value is ascertained; for, as our exports to the continent consist principally either of colonial produce, or British manufactures, and as to the official value of the former only 20 per cent is added, and to the latter 50 per cent, such an advance is very inadequate to that which must be added to the official value of continental imports, for which he could offer no criterion, but which in the official statement of the real value appears to be more than doubled*.

* In answer to the question, " Do you consider the undervaluation of imported articles to be much more than 50

Supposing, then, that these estimates are tolerably correct, and that the real balance of continental trade in our favor amounts only to the sum of 8,800,000*l.*, for the space of five years, it must be strikingly apparent, that this balance, so computed, is too inconsiderable to demonstrate the prosperity of our commerce in that quarter, and forms but a small available amount to meet the demands of government.

It has been stated, in evidence before the Committee, and by the most respectable and intelligent persons, that the foreign exchanges are affected by the balance of payments rather than by the balance of trade; and it has been further advanced, as a cause of the depression of the exchanges, that for the imports immediate payment has been made, while the exports have been effected on credit. To this circumstance more credit appears to have been given than it deserved; because, on former occasions, the commerce of the country has been conducted on the

per cent, taking West Indian articles into the estimate?" Mr. Irwing replied. "I do; the undervaluation would be still greater, if it were not for those articles on which the official value approaches nearer to the real value." Appendix, p. 137.

same principles, and consequently the balances due for former years have come in aid to defray the cost of importations for the current year. It may be supposed that, of late, exports have been made more generally on credit than formerly; but the very uncertain state of things on the continent would seem to make it necessary to contract the system of credit, in order that commercial transactions may be rendered less precarious by completing them within a shorter period, and exposing them less to the fluctuating regulations of the day.

Though, under the ordinary circumstances of the market, the price of imported goods completely covers the cost and charges, yet, in the year 1809, the importations from the Baltic subjected the importer to a very heavy loss, and consequently the amount paid for those importations exceeds their estimated value. Further, it is well known, that a large proportion of Baltic shipments purchased in 1809, was detained, through the winter, in the Baltic, and, though paid for, could not be included in the custom-house estimates for that year. These circumstances, therefore, still further diminish the amount of the balance of 8,800,000*l.*, which has been

quoted from the appendix to the Bullion Report.

In forming an estimate of the prosperity of our commerce, a distinction is to be made between the gross amount of our exports, and the actual value which has been derived from them. It has been already shewn, in the former part of this work, that, in the year 1809, in which our export trade was carried on to a considerable extent, a very material part of it never reached its ultimate destination; but was either captured, or confiscated, or conveyed to some place where it was deposited in order to be exported afresh, as opportunities might offer.—This would, of course, affect still further the amount of the actual balance in our favor. In the following year, indeed, the losses we sustained from these causes, would form a much more prominent feature in our commercial estimates.

It has been before stated, as represented in the appendix to the Bullion Report, that the general balance of trade in our favor, had amounted, in the course of five years, to the sum of 50,000,000*l.* Were this strictly correct, so large a balance must have counteracted, in a great degree, the injurious effects

which have resulted, for some time past, from the very disadvantageous nature of our trade with the continent; unless, indeed, the various demands for our foreign expenditure have, within the same period, exceeded the amount of this favorable balance. As the larger proportion of this balance appears to have arisen from our commercial transactions with the American continent, it might be imagined, that we should have drawn from thence supplies of the precious metals sufficiently extensive to meet all these demands. The actual state of things, however, proves the contrary. But though our exportations, to South America especially, have been made on the largest scale, yet, having been undertaken without a due consideration of the probable extent of the demand which might then exist for British merchandise, the result has been not only most injurious to the parties thus rashly engaged in these speculations, but in many instances, a loss has been sustained of the whole adventure.

'If a state of trade had existed so prosperous as to produce such a balance in our favor, as is given in Mr. Irwing's estimate, it would be quite impossible to conceive how such a disastrous condition of our affairs

should have arisen, as to render it necessary for government to appropriate the sum of £6,000,000, to the relief of our merchants. Assistance to this extent is, however, proposed to be granted them, and the ground upon which the application of the merchants for such aid was supported, was the alarming extent of their distress and embarrassments arising from the failure of returns from South America, the want of a market for their superabundant stock of British manufactures, and colonial produce, and, in general, an excessive accumulation of all articles of importation.

Is it not, then, fair to conclude, from what has been stated, that the great depression in the foreign exchanges has been primarily and principally occasioned by commercial causes, in conjunction with the natural consequences of the various demands for all our foreign expenditure?

It appears from a statement in the appendix to the Bullion report, No. 49, in which a comparison of the state of exchange on Hamburgh is drawn, with reference to the amount of Bank notes in circulation, that, on the 27th of February, 1797, the day on which the bank was restricted from paying in spe-

cie, the exchange on Hamburgh was 35 schillings, and 6 grotes per pound sterling;—that, there was at that time 8½ millions of Bank paper in circulation; that the exchange gradually rose in 1797—8 to 38, when 13 millions of bank paper were circulated; and that in March, 1799, the rate of exchange was 37.7, at which time, the amount of Bank notes was 13½ millions.

It is not, however, stated, in this article in the appendix, in what a gradual manner the decline took place in 1799; but the fall is thus described; "after this period, great commercial distress, large importations of corn, heavy subsidies, and the Hambro' exchange continued falling, and on January 2, 1801, was as low as 29.8."

Between the end of 1799 and the end of 1802 the exchange is stated to have fluctuated from 33.3 to 29.8, and the circulation had, in that period, been increased to 16½ millions. From January, 1803 to 1807, the exchange fluctuated from 32.10 to 35.10, the issue of Bank paper having been increased to 18 millions. From January 1808 to the Christmas of 1809, it fell from 34.9 to 28.6, the paper circulation continuing the same.

This scale is less perfect than it might have been, as to the rate of exchange, which should, in strictness, have been given for some of the intermediate periods—This deficiency is supplied in the following table, in which the exchange on Hamburgh is taken from Lloyd's Lists. This table shews the average rate of exchange for a period of fourteen years, for each year, and for each month of every year. Averages are also added for several intervening periods. The par of exchange with Hamburgh is taken at 33 . 8 $\frac{1}{2}$.

	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	For the year.
1797	35.5	35.3	35.6	36.2	36.2	36.4	36.8	37.1	37.10	37.10	38.	38.4	36.9
1798	38.	37.10	37.7	37.8	37.4	37.7	37.7	37.5	37.7	37.9	37.7	37.4	37.7
1799	37.6	37.7	37.5	36.11	35.2	35.8	35.2	34.4	33.	31-11	32.6	31.11	34.11
1800	31.7	30.8	31.2	31.6	32.3	32.	32.2	32.	31.10	32.1	31.10	30.7	31.8
1801	31.	31.7	31.7	31.5	31.7	31.4	31.5	31.5	31.7	32.6	32.2	31.10	31.7
1802	32.1	32.1	32.4	33.	32.8	33.2	33.2	33.1	33.4	33.4	33.8	34.3	33.
1803	34.2	34.3	34.8	34.4	34.4	34.7	34.2	33.1	33.5	34.7	34.8	34.10	34.3
1804	34.9	34.7	35.2	35.9	35.10	36.2	35.8	35.9	35.8	35.6	35.6	35.5	35.6
1805	35.6	35.5	35.7	35.3	35.7	35.8	35.7	35.4	35.	33.10	32.9	32.10	34.10
1806	33.11	34.4	34.2	34.2	33.10	34.2	34.5	34.5	34.2	33.7	34.5	34.8	34.5
1807	34.8	34.8	34.10	34.10	34.10	34.8	34.6	34.6	34.2	34.4	34.5	34.4	34.7
1808	34.4	34.4	34.6	34.7	34.9	34.10	35.5	35.2	34.2	33.	31.11	32.	34.1
1809	31.3	31.2	31.	30.10	29.6	28.9	28.10	29.3	29.	28.9	28.9	29.6	29.9
1810	28.9	28.7	29.2	31.	31.	31.1	30.2	30.7	31.4	30.9	28.9	28.6	30.

The average for 14 years, from 1797 to 1810, inclusive, is 33.9

The average for 12 years from 1797 to 1808, inclusive, is 34.5

This average is rendered advantageous, by the exclusion of the years 1809 and 1810, in which the exchange on Hamburgh experienced a considerable depression.

The average for 9 years, from 1797, to 1799, and from 1803 to 1808, inclusive, is - - 35.3

In this average are not included the years 1800, 1801, and 1802, in which, from particular circumstances, there was a material depression in the exchange.

The average for 6 years, from 1803 to 1808 inclusive, is - 34.7

During this period the exchange recovered from its former depression.

The average exchanges of 1809 and 1810 is about 5½ per cent below that of 1800 and 1801; although, on the 2nd January, 1801, the exchange on Hamburgh was as low as 29.8.

The exchange on Hamburgh, on

the 24th of February, 1797, the post-day preceding the date of the Bank Restriction Bill, was - 36.

The average exchange for four years after the commencement of the late war with France, from 1793 to 1796, inclusive, is - 34.10

The average exchange for 6 years of peace, from 1787 to 1792, inclusive, is - - - 35.

For 10 years preceding the restriction on the Bank, the rate of exchange was under 35, which is about one per cent. higher than it ruled from 1803 to 1808, inclusive; though, during the former period, gold was in general circulation, and, in the latter, it was withdrawn, and the amount of Bank notes was nearly doubled.

The fall which commenced about the end of 1799, and is stated to have continued to the end of January, 1801, is very sufficiently and fully accounted for, by the great commercial distress, large importations of corn, (and) heavy subsidies," at that period.

If the exchange was susceptible of so great a depression at a time when there was a comparatively unrestricted commerce with

the Continent, and when the expence of conveying bullion abroad was at an ordinary rate, is it unreasonable to conclude, that, when the same causes are in operation, to which is now to be added a very restricted state of export commerce, a similar depression may naturally take place, without its being produced by the actual amount of our paper circulation? In illustration of this, it may be observed, that, *after such an unfavourable state of things had prevailed, and after such a depression had existed in the foreign exchanges, the latter improved, and from January,* 1803, *to September,* 1808, *the average exchange remained at a rate rather above the established par with this country, notwithstanding a progressive increase had, during that period, taken place in our paper circulation from* 13½ *to* 18 *millions.*

From September, 1808, a progressive but fluctuating fall took place, and at the close of 1810, its depression was not much below the fall which has been amply accounted for before. An additional issue of paper has certainly been made in that time, but it was, perhaps, rendered in part necessary by the disappearance of a large portion of the coin, which was then in circulation, and which

was taken out of it by this unfavourable state of the exchange.

It may be asked here of those who maintain the opinion, that the great and ruinous depression in the foreign exchanges is mainly produced by an excessive issue of paper currency, rather than by an unfavourable state of commerce, how it occurred, that the average exchange still continued to be favorable to this country, from the time the Bank Restriction Bill was passed, to September, 1808, with the exception of the depression which happened in the time between the close of 1799, and the end of 1802, a period of nearly two years, and the cause of which has been already very fully and adequately explained. Since the end of 1810, there is no reason to believe, that any increase has been made in the issue of Bank paper, but, on the contrary, that its quantity has been reduced; and yet, a further depression has been experienced in the foreign exchange to the extent of 20 per cent, since that period, it having been in March as low, on Hamburgh, as 23 . 2.

Is it then possible to attribute this fall to the excessive amount of our paper currency? Or, is it not rather very naturally and cor-

rectly to be ascribed to that disadvantageous state of our commerce, which makes it impracticable for us to meet the charges which an indiscriminate importation has brought against this country, at a time, too, when the demands of government for our foreign expenditure must necessarily be unusually great? The foreign demands of all descriptions must, under such circumstances, necessarily enhance the value of the precious metals. At the present rate of exchange the price of gold in Hamburgh is 5l. 12s. per oz.; and of dollars 7s. 3d. per oz.; from which is to be deducted the price of conveyance, to establish its relative value in this country. Is it not then easy to foresee the inevitable consequence of an issue of coin, during the continuance of such a state of affairs? Is it not evident, that the price of bullion, which may be required for the liquidation of foreign demands upon us of every description, must become enormously high?

It has been asserted by the most strenuous advocates for payments in *specie*, that, if gold were again brought into circulation, the intrinsic value of our circulating medium would be thus re-established, and would, of itself, produce the effect of reinstating our ex-

changes, so that any difference to our disadvantage would not exceed the expence attending the exportation of bullion. It is thus supposed that the precious metals being brought again into circulation, would merely, by correcting the depreciation of our paper currency, immediately affect the course of the exchange, and consequently diminish the price of bullion. But this is certainly an expectation too extravagant to be realized; for it could only have this effect in proportion to the extent to which it was remitted abroad for the payment of foreign demands against us.

However paradoxical it may appear, it is no less true, that if the precious metals were again restored to circulation, and if the laws of the country could *possibly* be so rigidly enforced, that not an ounce of the coin should be melted, nor a single guinea exported, yet, the mere circumstance of bringing these metals into circulation, would, if the whole of the circulating medium were then equal to its present amount, certainly have no one effect whatever, either on the foreign exchanges, or on the price of bullion; and the singular phenomenon would be produced of an existing scarcity and consequent dearness

of bullion, with an abundant and cheap gold currency for our principal circulating medium. As this, however, is quite impracticable, the result of restoring, under the actual circumstances of the country, gold currency to its former circulation, would be, that it would be sent out of the country with more profit to the illicit exporter of it, than even bullion itself; and, consequently, it would go to a less reduction of our foreign debt, than an equal weight of bullion appropriated to that object.

It cannot be doubted, but that an excess of paper circulation, like that issued in various foreign countries, viz. Russia, Denmark, Sweden, Austria, &c. must be productive of a depreciation proportionate to the degree of its excess; but then it should be recollected, that it is issued by the government of these countries, arbitrarily, without its representing any real value, and without any pledges for its re-payment. In these countries, too, such issues are usually made instead of resorting to the practice of contracting loans for the public service. There is, however, this most material difference between the paper currency of those countries, and that which now constitutes the principal circulating medium in this country, that, in the former, it is issued

by the *government*, unrepresented by any pledges on the part of the country, (as is the case in Great Britain), for the redemption of the public debt; while here the paper circulating medium is issued by *individuals*, who are bound for its repayment, and who are enabled to do this by the securities in their possession, and which securities are adequate to its redemption.

Among the arguments urged by the select committee, it is admitted, that, in foreign countries, " the excess of paper has usually been accompanied by another circumstance, which has no place in our situation at present, *a want of confidence in the sufficiency of these funds* upon which the paper has been issued."*

So long, then, as a general confidence prevails in the sufficiency of such funds, it does not seem, that the actual degree of excess in our paper currency can have caused any very extraordinary depreciation in its value, or advanced the price of commodities in general, more than would have been the case, had there been in circulation a similar excess of coin, not legally applicable to exportation, and effectually prevented, if it

* Report, p. 17.

were possible, by a rigorous enforcement of the laws. Whether so extensive a circulating medium be really required, is a question of a different nature, and, perhaps, it would be difficult to answer it decisively. Certainly, the constantly augmenting wants of government, the extension of various branches of our commerce, the increased taxation and rentals of the country and produce of the land, with many other circumstances, would appear to require a larger circulating medium; and they go far towards explaining the necessity for that increase in it, which has swelled its amount so considerably within the last fifteen years.

There is also another circumstance, which materially distinguishes the character of the paper currency in most foreign countries. It is, in substance, remarked in the Report,* that the rate of exchanges, and the price of bullion are not only established as a principle by the most eminent authorities upon commerce and finance, but are resorted to by their statesmen as the best criterion to judge by, whether their paper currency was or was not excessive. In those countries an agio being permitted, the extraordinary depreciation of

* Bullion Report, p. 15.

their paper is easily ascertained by the relative value which it determines between the coin and the paper of that country; and this distinction in value is made in all money transactions at home, as well as with reference to foreign exchanges. The paper currency of those countries, being a mere arbitrary issue, is put into circulation by the government, at the depreciated value which it bears at the time of its being issued, and is therefore to be regarded merely as the floating debt of the country, for the ultimate redemption of which, no provision is, in most cases, intended to be made.

As in these states, the course of the foreign exchanges has an immediate reference to their depreciated paper currency, it may, of course, be sensibly affected by its excess; and, if an agio were permitted in Great Britain, there is no doubt but that our gold coin would bear a premium above the mint value of the guinea, in the same proportion as the price of bullion exceeds that value, if the coin were allowed to be exported. So long, therefore, as the state of our commerce and of our foreign remittances, requires an exportation of bullion to be made, such a distinction would continue to exist. It would, conse-

quently have the effect of apparently depreciating our paper, though the latter should continue to represent an equivalent in any other commodity but gold, which thus acquires a higher value, from its practical application to foreign purposes. But this would cease, whenever the state of public affairs should be such as to render an exportation of bullion unnecessary, or when the state of our commerce should procure supplies of the precious metals adequate to the whole amount of our foreign demands of every description.

In the following passages the Bullion Committee assume as an indisputable conclusion, what, from its nature, must necessarily be contingent.

"It appears to your Committee to have been long settled and understood as a principle, that the difference of exchange resulting from the state of trade and payments between two countries, is limited by the expence of conveying and insuring the precious metals from one country to the other; at least, that it cannot for any considerable length of time exceed that limit. The real difference of exchange, resulting from the state of trade and payments, never can fall lower than the amount of such expence of carriage, including the insur-

ance. The truth of this position is so plain, and it is so universally agreed to by all the principal authorities, both commercial and political, that your committee will assume it as indisputable."—Report, p. 11.

This would undoubtedly be true, if the coin of the country were permitted to be exported, or if bullion could be purchased at the mint price of that coin, and if a sufficient supply of it could thus be obtained to meet all the wants of the country. In accomplishing this, the committee appear *to assume the practicability of procuring a sufficient supply of the precious metals*, and they leave altogether out of consideration the extreme difficulty and risk of effecting the introduction even of bullion on the continent at this moment, together with the many casualties attending such an attempt, against which no provision can be made by insurance.

The committee also assume in the following extract from this report, another argument, which is destitute of the support necessary to give it validity.

"A favourable balance of trade on the face of the account of exports and imports, presented annually to Parliament, is a very probable consequence of large drafts on go-

vernment for foreign expenditure; an augmentation of exports, and a diminution of imports being promoted, and even enforced by the means of such drafts. For if the supply of bills drawn abroad, either by the agents of government, or by individuals, is disproportionate to the demand, the price of them in money falls, until it is so low as to invite purchasers; and the purchasers, who are generally foreigners, not wishing to transfer their property permanently to England, have a reference to the terms on which the bills on England will purchase those British commodities, which are in demand, either in their own country, or in intermediate places, with which the account may be adjusted. Thus, the price of the bills being regulated in some degree by that of British commodities, and continuing to fall till it becomes so low as to be likely to afford a profit on the purchase and exportation of these commodities, an actual exportation nearly proportionate to the amount of the bills drawn can scarcely fail to take place. It follows, that there cannot be, for any long period, either a highly favorable or unfavorable balance of trade; for the balance no sooner affects the price of bills, than the price of bills, by its reaction on the state of trade, pro-

motes an equalization of commercial exports and imports. Your committee have here considered cash and bullion as forming a part of the general mass of exported or imported articles, and as transferred according to the state both of the supply and the demand; forming, however, under certain circumstances, and especially in the case of great fluctuations in the general commerce, a peculiarly commodious remittance."—Bullion Report, p. 13.

They here assume that that is feasible which is generally known and felt to be impracticable. If this were not so, no objection could well be urged against the soundness of their reasonings upon this point. But they argue as if our commerce with the continent was perfectly unfettered by the enemy's restrictions; and argue, too, unconditionally, and without any reference, in this part of the report, to what has been submitted to them in evidence, as to the many and pressing difficulties which obstruct our continental commerce; notwithstanding it had been stated to them, that the relative value of goods on the continent presented a much stronger inducement * to merchants to em-

* Appendix, page 66.—Vide Mr. Greffulhe's Evidence.

bark in this trade, than any that could be held out to them by the great and extraordinary reduction in the rate of exchange, which, in the opinion of the committee, would itself affect the price of bills, and by its reaction on the state of trade, promote an equalization of commercial exports and imports. Nor is it immaterial to observe, that the few channels which were in some degree open to us on the continent, at the time the Report of the select committee was laid before the House of Commons, have since been almost hermetically closed against British commerce.

In closing these remarks, it is important to observe, that the only effect which would be produced by the resumption of payments in specie by the Bank, would be the illicit exportation (if at the period of this resumption the situation of the country were similar to what it is at this time,) of all our gold coin, and at a much less rate of value than in the shape of bullion. For it cannot be imagined, that the gold coin, restored to circulation,

could in any other way affect the course of exchange.

The only effectual means of remedying the various evils which at present exist, with regard to the state of the commerce of the country, its circulating medium, and its finances, is to regulate our commercial relations by the maxims of a more vigorous and decisive line of policy. As the prohibitory system, which is now so rigidly enforced on the continent, precludes us from the benefits of an export trade to it, it is indispensably requisite, that we should endeavour to counteract this evil, by opposing to it similar measures. Whether such measures may have the effect of forcing the enemy to act on principles of reciprocity, must at present be doubtful; but, in the event of their failure, it would be a preferable course to try this experiment, whatever privations may accompany it, than longer to submit to the many serious and alarming consequences, which must inevitably flow from a perseverance in our present system. If, however, any exception be made to the general plan of closing our ports against *all importations from those countries, where our exports are not admitted*, it

should be confined to the admission of such articles only as are of indispensable necessity. There are but few commodities which we could not procure from other places, with which we should at the same time have the full benefit of a reciprocity of commerce; and there can be no doubt, that, by judicious arrangements, we might, in a very short period, render ourselves completely independant of the Baltic Powers.

It is of infinite importance that we should direct our attention to this point; for our situation would indeed be deplorable, if such supplies could be obtained from no other quarter. If they refuse to receive commodities* of every description from this country, and if we should not have bullion enough for the payment of such importations from the North, our embarrassments would be inextricable. Ruinous as this trade may be, it would, even in this case, be continued no longer than for the period that we should be enabled to provide bullion for the purpose,

* Some illicit trade will still necessarily find its way into the enemy's ports; but its value is not of sufficient importance to become a matter of any consideration, and it is from its character in many respects objectionable.

and when the capacity of doing this ceased, the trade must cease altogether.

If such a state of things should ever arrive, it would necessarily produce that very reciprocity of trade, upon which we ought strenuously to have insisted from the commencement of our commercial intercourse with the Northern States, unless we can suppose their resources to be so considerable as to render them independent of their export trade.

Pursuing that course of commercial policy which the peculiar circumstances of the country appear so urgently to require, we should admit of an unrestricted export-trade, and limit the importations from those countries alone, where our exports find admittance; deviating from this principle only in cases of absolute necessity. Should such measures fail in their intended effect, as to a general commerce, they would at least counteract that most injurious balance against this country, which arises from our excessive importations from the continent. They would consequently, too, be eminently conducive to the reinstatement of an advantageous course of exchange, and would reduce the present very high price of bullion, which has been prin-

cipally occasioned by its great depression. The apparent depreciation in our paper currency would be corrected, and its relative value would soon be nearly, or quite equalized with the intrinsic value of the precious metals.

THE END.

H. Bryer, Printer,
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